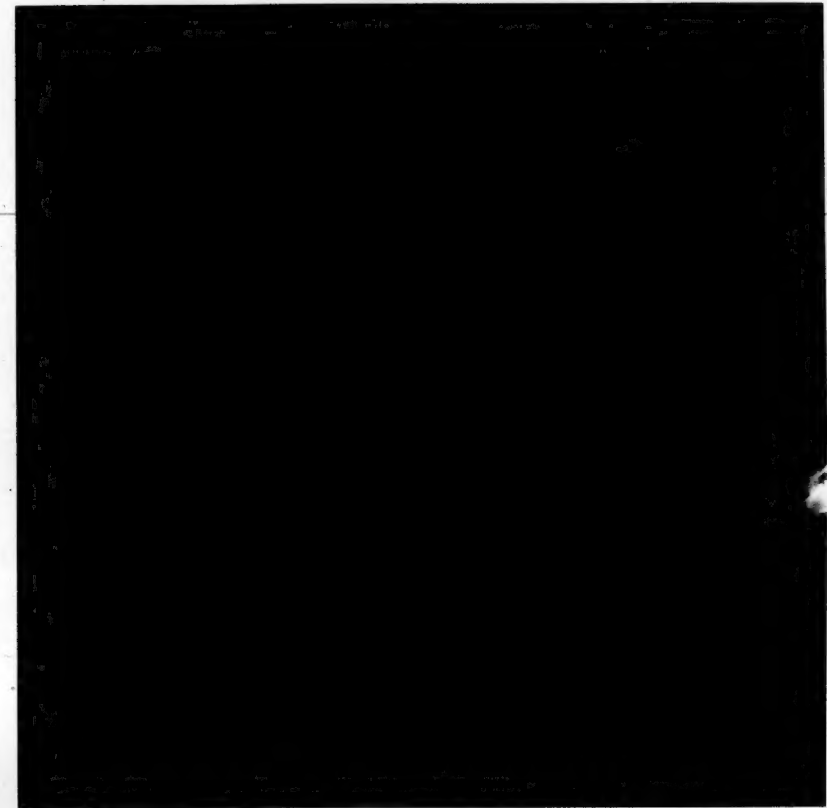
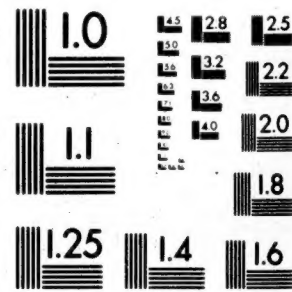
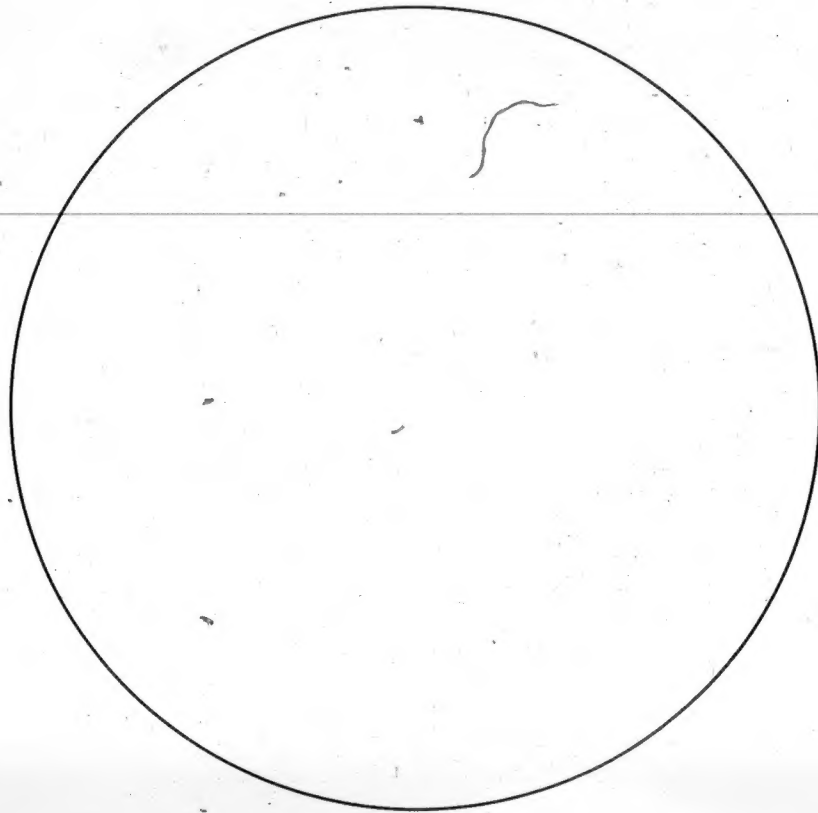
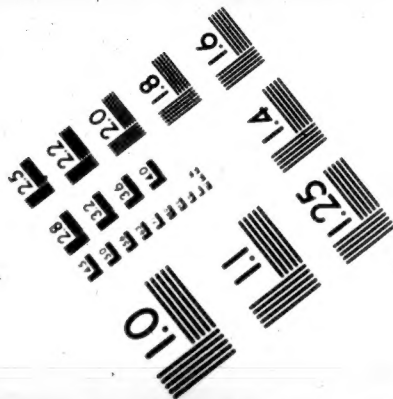


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NATIONAL ARCHIVES MICROFILM PUBLICATIONS
Microfilm Publication M1301

APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES
1898 - 1914

Roll 35

Choctaw by Blood 5600-5685

THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1983

Empty

Choc 5601

Preston Sydney Lester

Trans. from Chick #1248

10-24-02

1025

Department of the Interior.
Commission to the Five Civilized Tribes.
Tuskahoma, Indian Territory, December 10, 1902.

Chickasaw 1248.
Intermarried.

In the matter of the application of Preston S. Lester for enrollment as an intermarried citizen of the Choctaw Nation.

Preston S. Lester, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

Q What is your name? A Preston S. Lester.
Q How old are you? A Forty.
Q What is your post office address? A South McAlester, Indian Territory.
Q How long have you been a resident of the Choctaw Nation? A Since August 1890, over twelve years.
Q Have you lived here continuously for the past twelve years? A Yes sir.
Q Have you made your home anywhere else during that time? A No sir.
Q Do you claim intermarried rights in the Choctaw Nation? A Yes sir.
Q What is the name of your Choctaw wife through whom you claim these rights? A Alice Pitchlynn.
Q Is she a recognized and enrolled citizen of the Choctaw Nation? A Yes sir.
Q When were you married to Alice Pitchlynn? A I don't recollect the exact date; it was in August, 1892.
Q Where was the marriage ceremony performed? A At South McAlester.
Q At that time were both you and your wife bona fide residents of the Choctaw Nation? Yes sir.
Q Were you married in accordance with the Choctaw Laws? A Yes sir.
Q Did you obtain a tribal license? A Yes sir.
Q From whom did you get that license? A The license was issued by the county clerk of Kiamitia county.
Q How much did you pay for this license? A I am hardly able to answer that question, for the reason that my license was presented to me by a very warm friend, Dr. Miller, who resided in Kiamitia county, and I don't know just what it cost.
Q Who performed the marriage ceremony? A Rev. Treadwell.
Q Were you ever married before your marriage to Alice Pitchlynn? A No sir.
Q Has she ever married previous to her marriage to you? A No sir.
Q Since that marriage have you lived together continuously as husband and wife up to the present time? A Yes sir.
Q There has been no separation, abandonment or divorce? A No sir.
Q Are you at present living together as actual and bona fide residents of the Choctaw Nation? A Yes sir.

---000---

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 10th day of December, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 7th day of January 1903.

Charles H. Sawyer

Department of the Interior.
Commission to the Five Civilized Tribes.
Tusahoma, Indian Territory, December 10, 1902.

Chickasaw 1248.
Intermarried.

In the matter of the application of Preston S. Lester for enrollment as an intermarried citizen of the Choctaw Nation.

Preston S. Lester, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Preston S. Lester.
Q How old are you? A Forty.
Q What is your post office address? A South McAlester, Indian Territory.
Q How long have you been a resident of the Choctaw Nation? A Since August 1890, over twelve years.
Q Have you lived here continuously for the past twelve years? A Yes sir.
Q Never made your home anywhere else during that time? A No sir.
Q Do you claim intermarried rights in the Choctaw Nation? A Yes sir.
Q What is the name of your Choctaw wife through whom you claim these rights? A Alice Pitchlynn.
Q Is she a recognized and enrolled citizen of the Choctaw Nation? A Yes sir.
Q When were you married to Alice Pitchlynn? A I don't recollect the exact date; it was in August, 1892.
Q Where was the marriage ceremony performed? A At South McAlester.
Q At that time were both you and your wife bona fide residents of the Choctaw Nation? Yes sir.
Q Were you married in accordance with the Choctaw Laws? A Yes sir.
Q Did you obtain a tribal license? A Yes sir.
Q From whom did you get that license? A The license was issued by the county clerk of Kiamitia county.
Q How much did you pay for this license? A I am hardly able to answer that question, for the reason that my license was presented to me by a very warm friend, Dr Miller, who resided in Kiamitia county, and I don't know just what it cost.
Q Who performed the marriage ceremony? A Rev. Treadwell.
Q Were you ever married before your marriage to Alice Pitchlynn? A No sir.
Q Was she ever married previous to her marriage to you? A No sir.
Q Since that marriage have you lived together continuously as husband and wife up to the present time? A Yes sir.
Q There has been no separation, abandonment or divorce? A No sir.
Q Are you at present living together as actual and bona fide residents of the Choctaw Nation? A Yes sir.

---806---

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 10th day of December, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 27th day of January 1903.

Charles H. Sawyer

Department of the Interior.
Commission to the Five Civilized Tribes.
Tuskahoma, Indian Territory, December 10, 1902.

Chickasaw 1248.
Intermarried.

In the matter of the application of Preston S. Lester for enrollment as an intermarried citizen of the Choctaw Nation.

Preston S. Lester, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Preston S. Lester.
- Q How old are you? A Forty.
- Q What is your post office address? A South McAlester, Indian Territory.
- Q How long have you been a resident of the Choctaw Nation? A Since August 1890, over twelve years.
- Q Have you lived here continuously for the past twelve years? A Yes sir.
- Q Never made your home anywhere else during that time? A No sir.
- Q Do you claim intermarried rights in the Choctaw Nation? A Yes sir.
- Q What is the name of your Choctaw wife through whom you claim these rights? A Alice Pitchlynn.
- Q Is she a recognized and enrolled citizen of the Choctaw Nation? A Yes sir.
- Q When were you married to Alice Pitchlynn? A I don't recollect the exact date; it was in August, 1892.
- Q Where was the marriage ceremony performed? A At South McAlester.
- Q At that time were both you and your wife bona fide residents of the Choctaw Nation? A Yes sir.
- Q Were you married in accordance with the Choctaw laws? A Yes sir.
- Q Did you obtain a tribal license? A Yes sir.
- Q From whom did you get that license? A The license was issued by the county clerk of Kiamitia county.
- Q How much did you pay for this license? A I am hardly able to answer that question, for the reason that my license was presented to me by a very warm friend, Dr. Miller, who resided in Kiamitia county, and I don't know just what it cost.
- Q Who performed the marriage ceremony? A Rev. Broadwell.
- Q Were you ever married before your marriage to Alice Pitchlynn? A No sir.
- Q Was she ever married previous to her marriage to you? A No sir.
- Q Since that marriage have you lived together continuously as husband and wife up to the present time? A Yes sir.
- Q There has been no separation, abandonment or divorce? A No sir.
- Q Are you at present living together as actual and bona fide residents of the Choctaw Nation? A Yes sir.

---o0o---

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 10th day of December, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 22nd day of January 1903.

Harry C Risteen
Charles P. Sawyer

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tuskahoma, Indian Territory, December 10, 1902.

Chickasaw 1248.
Intermarried.

In the matter of the application of Preston S. Lester for enrollment as an intermarried citizen of the Choctaw Nation.

Preston S. Lester, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Preston S. Lester.
Q How old are you? A Forty.
Q What is your post office address? A South McAlester, Indian Territory.
Q How long have you been a resident of the Choctaw Nation? A Since August 1890, over twelve years.
Q Have you lived here continuously for the past twelve years? A Yes sir.
Q Never made your home anywhere else during that time? A No sir.
Q Do you claim intermarried rights in the Choctaw Nation? A Yes sir.
Q What is the name of your Choctaw wife through whom you claim these rights? A Alice Pitchlynn.
Q Is she a recognized and enrolled citizen of the Choctaw Nation? A Yes sir.
Q When were you married to Alice Pitchlynn? A I don't recollect the exact date; it was in August, 1892.
Q Where was the marriage ceremony performed? A At South McAlester.
Q At that time were both you and your wife bona fide residents of the Choctaw Nation? A Yes sir.
Q Were you married in accordance with the Choctaw laws? A Yes sir.
Q Did you obtain a tribal license? A Yes sir.
Q From whom did you get that license? A The license was issued by the county clerk of Kiamitia county.
Q How much did you pay for this license? A I am hardly able to answer that question, for the reason that my license was presented to me by a very warm friend, Dr. Miller, who resided in Kiamitia county, and I don't know just what it cost.
Q Who performed the marriage ceremony? A Rev. Treadwell.
Q Were you ever married before your marriage to Alice Pitchlynn? A No sir.
Q Was she ever married previous to her marriage to you? A No sir.
Q Since that marriage have you lived together continuously as husband and wife up to the present time? A Yes sir.
Q There has been no separation, abandonment or divorce? A No sir.
Q Are you at present living together as actual and bona fide residents of the Choctaw Nation? A Yes sir.

---oo---

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 10th day of December, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 12th day of January 1903.

Harry C Risteen
Charles H. Risteen

Notary Public.

15-

P. S. Lester

-vs.-

Chootaw and Chickasaw Nations.

C O P Y .

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP
COURT, SITTING AT SOUTH MOALESTER, NOVEMBER
TERM, 1903.

P. S. Lester,Plaintiff.

vs.

The Choctaw and Chickasaw
Nations, Defendants.

Now on this day this cause coming on to be heard,
upon the pleadings and evidence introduced in this case,
and the plaintiff appearing in person and by attorney, J. S.
Arnote, and the Choctaw and Chickasaw Nations appearing by
Mansfield, McMurray & Cornish, their attorneys, the Court after
hearing all the evidence adduced by either plaintiff or de-
fendants, and being well and sufficiently advised in the premi-
ses doth find:

That the plaintiff P. S. Lester was on August 30,
1892 married to Alice Pitchlynn, a member of the Choctaw
Nation or tribe of Indians by blood, and that said marriage
was in accordance with the laws of the Choctaw Nation in every
particular, as evidenced by a certified copy of the marriage
license of the said Preston S. Lester and the said Alice
Pitchlynn, filed as evidence in this case, and that he has con-
tinued to live with said Alice Pitchlynn, as his wife, and is
now so living with her.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that
the plaintiff, Preston S. Lester is hereby declared to be a
member of the said Nation or tribe of Indians by intermarriage,
and as such is entitled to enrollment as a member of said
Choctaw Nation or tribe of Indians.

(Signed)

Spencer B. Adams,
Chief Judge.
Walter L. Weaver,
Associate Judge.
Henry S. Foote,
Associate Judge.

In the Choctaw and Chickasaw Citizenship Court,
South McAlester, Indian Territory.

I, James B. Cassada, Clerk of the Choctaw and Chickasaw
Citizenship Court, in the Indian Territory, do certify that the
above and foregoing is a true, complete and correct copy
of a judgment rendered by the Choctaw and Chickasaw Citizenship
Court in the case of P. S. Lester, vs. The Choctaw and Chickasaw
Nations, or Tribes of Indians,

Witness my hand and official seal as the Clerk of
said Court, at South McAlester, Indian Territory, this the
16th day of December A. D. 1903.

(Signed)

James B. Cassada

(S E A L .

Clerk of the Choctaw and Chickasaw
Citizenship Court.

7-5601

In re
The Death of
Preston S. Lester
a Choctaw Citizen

Approved DEC

Commissioner

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE CIVILIZED INDIANS

FILED

DEC 15 1902

~~9-12-48~~
7-5601

INDEXED

TO THE COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C.
FROM THE COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C.
RE: PRESTON S. LESTER, a Choctaw Citizen
The following is a copy of the report of the
Commissioner of the Bureau of Indian Affairs
to the Department of the Interior, dated
December 15, 1902, in relation to the
death of Preston S. Lester, a Choctaw
Citizen, who was killed by a white man
on the Choctaw Reservation, Mississippi,
on or about the 1st day of December, 1902.
The report is herewith submitted for your
information and for such action as you may
deem proper.

Very truly,
Your obedient servant,
Commissioner

DEPARTMENT OF THE INTERIOR
Commission to the Five Civilized Tribes

In the matter of the death of Preston S. Lester Jr., a citizen
of the Choctaw Nation, who formerly resided at or near South McAlester
Ind. Ter., and died on the 28 day of October, 1902.

-000-

Affidavit of Relative.

United States of America.
Indian Territory.
Central District.

I, Preston Sydney Lester, on oath state that I am
40 years of age and a citizen by marriage of the Choctaw Nation;
that my post office address is South McAlester, Ind. Ter.; that I
am the father of Preston S. Lester Jr. who was a citizen
by blood of the Choctaw Nation; and that said Preston S. Lester Jr.
died on the 28 day of October, 1902.

Witness to Mark:

Subscribed and sworn to before me this 10 day of November, 1902.

H. C. Kiteen
Notary Public.

Affidavit of Acquaintance.

United States of America.
Indian Territory.
Central District.

I, _____ on oath state that I am _____ years
of age and a citizen by _____ of the _____ Nation; that
my post office address is _____, Ind. Ter.; that I
was personally acquainted with _____ who was a citi-
zen by _____ of the _____ Nation; and that said _____
died on the _____ day of _____, 1902.

Witness to Mark:

Subscribed and sworn to before me this _____ day of November, 1902.

Notary Public.

9-12-78

CHOCTAW.

In the matter of the
death of
Preston S. Leslie Jr.
a citizen of the
Choctaw Nation

Approved

DEC 24 1902

Commissioner

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE CIVILIZED TRIBES

FILED

DEC 24 1902

FILED

COMMISSION TO THE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

CHOCTAW.

5601

United States of America.

Chief of Police.

Indian Territory.

Report of the

Commissioner

Enclosed is a copy of the report of the Commissioner of the Choctaw Nation, dated November 1, 1902.

DEPARTMENT OF THE INTERIOR
Commissioner to the Five Civilized Tribes

In the matter of the death of _____ a citizen
of the _____ Nation, who formerly resided at or near _____
Ind. Ter., and died on the _____ day of _____, 1902

Affidavit of Relative.

United States of America,
Indian Territory,
Central District.

I, _____, do oath state that I am _____
years of age and a citizen by _____ of the _____ Nation;
that my post office address is _____, Ind. Ter.; that
I am _____ of _____ who was a citizen
by _____ of the _____ Nation; and that said
_____ died on the _____ day of _____, 1902.

Witness to Mark:

Subscribed and sworn to before me this _____ day of November, 1902.

Notary Public.

Affidavit of Acquaintance.

United States of America,
Indian Territory,
Central District.

I, J. S. McKinnon, do oath state that I am _____ years of age
and a citizen by _____ of the Cherokee Nation; that my post office
address is Box 14, Muskogee, Ind. Ter.; that I was personally ac-
quainted with Robert S. Lee, Jr. who was a citizen by trust
of the Cherokee Nation; and that said Robert S. Lee, Jr. died
on the 25th day of October, 1902.

Witness to Mark:

J. S. McKinnon

Subscribed and sworn to before me this _____ day of _____, 1902.

J. S. McKinnon

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

I, Tamm Bixby, Chairman of the Commission to the Five Civilized Tribes, do hereby certify that the name of Alice Lester appears upon the final rolls of citizens by blood of the Choctaw Nation, prepared by the Commission to the Five Civilized Tribes, being Number 14,140 thereon, and, on March 19, 1903, her enrollment as such was approved by the Secretary of the Interior.

In Testimony Whereof, I have hereunto set my hand, at Muskogee, Indian Territory, this April 20, 1903.

Chairman.

Tribal Enrollment.

1. Preston Sydney Lester on Choctaw Roll, 1896, To buckay Co. No. 14759 as Preston S. Lester.
 2. Alice " " " 1896, " " " 7880, " Alice P. "
 3. M^cCurtain " " " " 1896, " " " 7881, " Green M^cCurtain "
 4. Lucile " " " " 1896, " " " 7882,
 5. Josephine Pritchlynn " " " 1896, " " " 10264.

10276

CHICKASAW

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INDEXED

IN RE

Application for Enrollment of

INFANT CHILD

Dreston S. Suster Jr.

as a citizen of the

Chickasaw Nation.

Approved, JUL 12 1901

190

[Signature]
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

JUL 12 1901

[Signature]
ACTING CHAIRMAN.

CHICKASAW

1-48

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Chickasaw Nation,
of Preston S. Lester Jr., born on the 23rd day of May, 1901.
(Here insert name of child.)
Name of Father: P. S. Lester, a citizen of the Chickasaw Nation.
Name of Mother: Alie P. Lester, a citizen of the Chickasaw Nation.
Post-office, Box 14 White Sulphur Springs

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Central District.

I, Alie P. Lester, on oath state that I am 26 -
years of age and a citizen, by blood, of the Chickasaw Nation;
that I am the lawful wife of P. S. Lester, who is a citizen, by
Marriage, of the Chickasaw Nation; that a male child was
(male or female)
born to me on the 23rd day of May, 1901; that said child has been
named Preston S. Lester Jr., and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Alie P. LesterSubscribed and sworn to before me this 8 day of July, 1901.My Commission
expires Jan. 30th 1905C. P. Abbott
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Central District.

I, J. M. Lester, a Physician, on oath state that I
attended on Mrs. Alie P. Lester, wife of P. S. Lester,
on the 23rd day of May, 1901; that there was born to her on
said date a male child; that said child is now living and is said to have been
(male or female)
named Preston S. Lester Jr.

WITNESSES TO MARK:

(Must be Two Witnesses.)

J. M. Lester, M.D.Subscribed and sworn to before me this 8 day of July, 1901.Monroe Thompson
NOTARY PUBLIC.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 13 1902

[Signature]
ACTING COMMISSIONER

CHICKASAW.

1248

Btmar 9.7

11/6/901

This is to certify that I
the undersigned did solemnized
Marriage ceremony of Mr J W Jones &
Mrs Josephine Petchlynn at the
residence of Mr & Mrs Fritz Sillis
at 9.0 clock am
Nov 6"/901.

John A Elliott

Minister of the Gospel

Stuart

34
11

Given under my hand and
seal in office this the 2nd
day of August 1872

J. D. Jones

A. C. C. N.

This is to certify that J. W. A. Inceadwell
a Minister of the Gospel did on
the 28th day of August 1872
the rites of Matrimony between
Mr. T. B. Lister and Miss Alice Titchell
and caused the bands of name
to be published.

W. A. Inceadwell

Recorded the license and certificate
in record book no. 452
this the 20th day of September 1872

W. D. Jones

W. D. Jones

Miami, Ind.
Choctaw Nation.

Know all men by these
present, that ~~is~~ a Petition
having been presented before
me by one P. S. Foster, a
Citizen of the aforesaid State,
praying for a license to
Marion Jones, his wife Petchy,
a citizen of the aforesaid State,
and believing the same (petition)
to be in due form, and in accord
to the laws provides for in
such cases.

I, James S. D. France, Clerk
of the aforesaid County & Nation,
do hereby grant the license
for the express purpose mentioned
in said petition.

20
98

IN RE

Application for Enrollment of
INFANT CHILD.

Louise A. Carter

As a citizen of the

Blackman Nation.

Approved

Nov 4 18*99*



Commissioner.

Choctaw 5601

1248

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Chickasaw Nation,
of Gerine Annoto Sester, born on the 16th day of April, 1899.
Name of father: P. S. Sester, a citizen of the Chickasaw Nation.
Name of mother: Alice Pittlynn Sester, a citizen of the Chickasaw Nation.
Post Office: Smith M. White and Co

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, Alice Pittlynn Sester, on oath, state that I am 25 years of age and a
citizen, by blood, of the Chickasaw Nation; that I am the
lawful wife of P. S. Sester who is a citizen, by marriage, of the
Chickasaw Nation; that a girl child was born to me on the 16th day
of April, 1899; that said child has been named Gerine Annoto Sester,
and is now living.

Subscribed and sworn to before me this 9th day of Sept, 1899.

Alice S. Sester

H. L. Haynes

Notary Public.

For said Central District.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, J. M. Sester, a physician, on oath, state that I
attended on Mrs. Alice Pittlynn Sester, wife of P. S. Sester
on the 16th day of April, 1899; that there was born to her on said date a girl child;
that said child is now living and is said to have been named Gerine Annoto Sester.

Subscribed and sworn to before me this 7th day of September, 1899.

J. M. Sester, M. D.

H. L. Haynes

Notary Public.

for said Central District.

Chickasaw

4

CHICKASAW

20

INDEXED

IN RE

Application for Enrollment of

INFANT CHILD

William B Jones

as a citizen of


Chickasaw

Nation.

Approved

AUG 7 1902

190



Commissioner.

DEPARTMENT
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

AUG 7 1902



ACTING CHAIRMAN

CHICKASAW.

448

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Chickasaw Nation,
 of William Boykin, born on the 4 day of August, 1902
 (Here insert name of child)
 Name of Father: J. W. Jones a citizen of the Chickasaw Nation.
 Name of Mother: Josephine P. Jones a citizen of the Chickasaw Nation.
 Post-office Calvin 98

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

INDIAN TERRITORY.

Central

District.

I, Josephine P. Jones, on oath state that I am 24
 years of age and a citizen, by Blood, of the Chickasaw Nation;
 that I am the lawful wife of J. W. Jones, who is a citizen, by
Inter Marrying, of the Chickasaw Nation; that a Boy child was
 born to me on 4 day of August, 1902, that said child has been
 named William Boykin, and is now living.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

A. W. Husdwick
J. W. Hurdley

Subscribed and sworn to before me this 5 day of August, 1902.

H. B. Hurrell
 my commission expires Jan 10 - 1904
 NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

INDIAN TERRITORY.

Central

District.

I, R. B. Moore, a Physician, on oath state that I
 attended on Mrs. Josephine P. Jones, wife of J. W. Jones
 on the 4 day of August, 1902, that there was born to her on
 said date a Boy Male child; that said child is now living and is said to have been
 named William Boykin.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Hattie J. Jones
Luke A. Sinclair

Subscribed and sworn to before me this 5 day of August, 1902.

H. B. Hurrell
 my commission expires Jan 10 - 1904
 NOTARY PUBLIC

Chas 1245

98

No. _____

**Affidavit of Attending Physician
at Birth of Child.**

IN RE APPLICATION OF

Hynema Luter

FOR CITIZENSHIP IN

Chicasaw

NATION.

Approved Oct 24 1898

[Signature]
Commissioner

Choctaw 5601

Attestavit of Attending Physician at Birth of Child.

INDIAN TERRITORY,

Central

District.

I, J. M. Lester M.D., being duly sworn, on oath, state that I was the physician who attended on Mrs. Alice Lester on the 14th day of December, 1897, and that there was born to her on said date a Female child, and that said child was named Wynema Lester, and is now living.

J. M. Lester M.D.

Subscribed and sworn to before me this 14th day of October 1898.

V. L. Haynes

NOTARY PUBLIC.

Chapter 5601

CHICKASAW

20

INDEXED

IN RE

Application for Enrollment of

INFANT CHILD

Capitola Jones

as a citizen of

Chickasaw Nation.

OCT 1 1902

Approved

OCT 17 1902

190

L. H. Harrison

Commissioner.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 18 1902

ACTING CHIEF

CHICKASAW.

1248

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

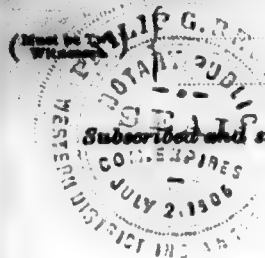
IN RE Application for Enrollment, as a citizen of the Chickasaw Nation,
 of Capitola Jones, born on the 2nd day of June, 1900
 (Here insert name of child.)
 Name of Father: John W Jones a citizen of the Choctaw Nation.
 Name of Mother: Josephine Pitchlym citizen of the Chickasaw Nation.
 Post-office Lealvin, Ind Ter

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,
Western District.

I, Josephine Pitchlym Jones, on oath state that I am 24
 years of age and a citizen, by blood, of the Chickasaw Nation;
 that ~~I am~~ ^{was not} the lawful wife of John W Jones at the birth of this child and
 intermarriage, of the Choctaw Nation; that a female child was
 (male or female.)
 born to me on 2nd day of June, 1900; that said child has been
 named Capitola Jones, and is now living.

WITNESSES TO MARK:



Subscribed and sworn to before me this 18th day of October, 1900.

Philip Renter
 NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,
 District,

I, _____, a _____, on oath state that I
 attended on Mrs. _____, wife of _____
 on the _____ day of _____, 1900; that there was born to her on
 said date a _____ child; that said child is now living and is said to have been
 (male or female.)
 named _____

WITNESSES TO MARK:

(Must be Two
 Witnesses.)

Subscribed and sworn to before me this _____ day of _____, 1900.

NOTARY PUBLIC.

IN RE

Application for Enrollment of

INFANT CHILD

Capitola Jones

as a citizen of

Chickasaw Nation.

Approved 190.....

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Chickasaw Nation,
of Capitola Jones, born on the 2 day of June, 1900
(Here insert name of child.)
Name of Father: John W Jones a citizen of the Chickasaw Nation.
Name of Mother: Josie Pittsman Jones a citizen of the Chickasaw Nation.
Post-office Calvin Del La

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
District.

I, Josie P Jones, on oath state that I am 23
years of age and a citizen, by blood, of the Chickasaw Nation;
that I am the lawful wife of J W Jones, who is a citizen, by
Marriage, of the Chickasaw Nation; that a girl child was
(male or female.)
born to me on June 2 day of June, 1900; that said child has been
named Capitola, and is now living.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Attest
Alci P. Lester

Josie Pittsman Jones

Subscribed and sworn to before me this 26 day of April, 1902.

Commission Expires 1906 Sam Hooley NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
District.

I, Dr. J. M. Munton, Physician, on oath state that I
attended on Mrs Josie Pittsman Jones, wife of John W Jones
on the 2nd day of June, 1900; that there was born to her on
said date a female child; that said child is now living and is said to have been
named Capitola
(male or female.)

WITNESSES TO MARK:

(Must be Two
Witnesses.)

J. M. Munton M.D.

Subscribed and sworn to before me this 27th day of Nov, 1902.

J. M. Munton
NOTARY PUBLIC.

Muskogee, Indian Territory, July 18, 1901.

Mr. P. S. Lester,

Attorney at Law,

So. Fork, Ind. Terr.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant enclosing the application for enrollment as a citizen of the Chickasaw Nation of Preston S. Lester Jr., the infant son of P. S. and Alice P. Lester, born May 23, 1901, and the same being in proper form has been duly filed with the records of the Commission and the child listed for enrollment as a citizen of the Chickasaw Nation.

Yours truly,

S-1248

Commissioner in Charge.

Waskagoo, Indian Territory, January 18, 1902.

Manfield, McMurtry & Cornish,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the sixteenth instant, referring to an inquiry made by you on January 10, 1902, as to the enrollment of Capitola Jones, the infant child of Josephine Jones, as a citizen of the Chickasaw Nation.

To your former inquiry the Commission on January 18, replied that it did not appear that any person by the name of Capitola or Josephine Jones had ever been listed by the Commission for enrollment as citizens of the Chickasaw Nation.

In your letter of the sixteenth instant you state that it is possible that this child may have been listed for enrollment under the name of Capitola Pitchlynn. You are advised that it does not appear from our records that any person by the name of Capitola Pitchlynn has ever been listed for enrollment by the Commission as a citizen of the Chickasaw Nation nor that any application has ever been submitted for the enrollment of a child by this name. We find, however, from an examination of our records that on October 15, 1898,

M. X. A. G. 2

Josephine Fitchman, twenty years of age, and the sister of Alice
Fitchman of South McAlester, Indian Territory, was listed for enroll-
ment as a citizen of the Chickasaw Nation. It is desirable that Je-
sephine Fitchman be the mother of the child so when you reach her if
we are correct in this surmise, it would be advisable that she submit
as early as possible an application for the enrollment of the child
for the consideration of the Commission.

Yours truly,

Commissioner in Charge.

8-1288

Muskogee, Indian Territory, May 3, 1902.

John W. Jones,

Galvin, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Chickasaw Nation of Cepitela Jones, infant daughter of John W. and Josie Pitchlynn Jones born June 2, 1900 and the same is returned to you herewith for further information relative to the mother of the child.

It is stated in the affidavit of the mother that her name is Josie Pitchlynn Jones; that she is twenty three years of age, a citizen by blood of the Chickasaw Nation and the lawful wife of J. W. Jones.

If this is correct you are requested to state her full maiden name, the time and place application was made for her enrollment, the names of other members of her family for whom application was made at the same time and any other information that you may have which will enable the Commission to identify Josie Pitchlynn Jones as being duly listed for enrollment as a citizen by blood of the Chickasaw Nation.

If she is a citizen by blood of the Chickasaw Nation who has been married to you since the time she was listed

For enrollment as such, your original marriage license and certificate or a certified copy thereof should be furnished the Commission as authority for changing her name upon our records from her maiden name to her present married name.

Upon return of the application for the enrollment of this child together with the information requested herein and legal evidence of the marriage of the parents the matter will receive further consideration.

Yours truly,

Enc. W. 164.

Commissioner in Charge.

9-1348
7-6787

Substitute

Muskogee, Indian Territory, August 7, 1903.

John W. Jones,

Calvin, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Chickasaw Nation of William Boykin Jones, infant son of J.W. and Josephine P. Jones, born August 4, 1903; and the same being in proper form has been duly filed with the records of the Commission, and the child listed for enrollment as a citizen of the Chickasaw Nation.

On May 3, 1903, receipt was acknowledged to you of the application for enrollment as a citizen of the Chickasaw Nation of Capitola Jones, infant daughter of John W. and Jessie Fitzhlynn Jones, born June 3, 1900; and the same was returned to you for further information relative to the mother of the child, and evidence of your marriage to her.

You are advised that upon return of the application for the enrollment of Capitola Jones that the matter will receive proper consideration.

You are requested, however, to furnish the Commission with legal evidence of your marriage to the mother of these children as

1710

authority for the change of her name as per records from her
widow name to her present married name.

Very truly,
Yours,
John Smith.

John Smith.

Choctaw 5601

Waskogee, Indian Territory, April 8, 1903

P. S. Lester,

South McAlester, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 4, requesting that a certificate be forwarded by the Commission of the enrollment of your wife, Alice Lester, as a citizen by blood of the Choctaw Nation.

In reply to your letter you are advised that it is not the policy of the Commission to issue certificates of enrollment. You are advised, however, that Alice Lester, wife of Preston Sydney Lester, has been enrolled by this Commission as a citizen by blood of the Choctaw Nation, and on March 19, 1903, her enrollment was approved by the Secretary of the Interior.

Respectfully,

Chairman.

Choctaw 5601

Muskogee, Indian Territory, April 20, 1903.

P. S. Lester,

South McAlester, Indian Territory.

Dear Sir:

In compliance with your request of April 8, there is inclosed you herewith certificate of the Chairman of the Commission to the Five Civilized Tribes, showing that Alice Lester has been enrolled by this Commission as a citizen by blood of the Choctaw Nation and on March 19, 1903, her enrollment was approved by the Secretary of the Interior.

Respectfully,

Chairman.

AB 2-20

7-5601.

Muskogee, Indian Territory, September 24, 1903.

Commissioner in Charge,
Choctaw Land Office,
Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of
September 21, 1903, calling attention to a notation on Choctaw
Enrollment Card, Field No. 5601, as follows:

"No. 8 died Oct. 28, 1902;
Proof of death filed Dec. 15, 1902;
Additional proof filed Dec. 24, 1903."

You are advised that the date of filing additional
proof is shown by original Choctaw Enrollment Card, Field No.
5601 to be December 24, 1902, and you are instructed to correct
the duplicate card in your possession in accordance with this
information.

Respectfully,

Chairman.

7-5601

Muskogee, Indian Territory, January 22, 1904.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby advised that the following notation in red ink has this day been made upon original Choctaw enrollment card No. 5601:

"Decision of U. S. Court Central District
July 13, 1897 vacated and set aside by
decree of Choctaw-Chickasaw Citizenship
Court Dec. 17, 1902.
Admitted as an intermarried Choctaw by
Citizenship Court Nov. term 1903, case
No. 15"

You are therefore, requested to make like notation in red ink upon the duplicate card in your possession.

Respectfully,

Commissioner in Charge.

7-5601

Muskogee, Indian Territory, January 22, 1904.

Commissioner in Charge,
Choctaw Land Office,
Atoka, Indian Territory.

Dear Sir:

You are hereby advised that the following notation in red ink has this day been made upon original Choctaw enrollment card No. 5601:

"Decision of U. S. Court Central District
July 13, 1897 vacated and set aside by
decree of Choctaw-Chickasaw Citizenship
Court Dec. 17, 1902.
Admitted as an intermarried Choctaw by
Citizenship Court Nov. term 1903, case
No. 15"

You are therefore, requested to make like notation in red ink upon the duplicate card in your possession.

Respectfully,

Commissioner in Charge.

OK

Price Letter age 25-
on Roll Miss R.

OK Reading in Miss. Kaiti.

1st trip - Talmage Co.

age 331 2002-2-

Reading in 1st Side

OK

1st Side age 5- age 331

on Roll as from 1st Side age 11-

Excels age 3 " "

Wynema age 10 Mrs.

affiliated of phys to be supplied

OK 12/12

12

Mr. Allen E. Lester, 78, husband of
McAlister and wife of Paul E. Les-
ter, former state senator and house
member and long a political leader
in Pittsburg county, died here today
at the home of a daughter, Mrs.
Louise Clark.

Death came on Mrs. Lester's 88th
wedding anniversary. She had been
in ill health seven years and recently
came here. She was born in Indian
Territory.

Other survivors include three sons,
McCurtain, Oklahoma City; Dudley,
Holdenville, and Richard, in the army
air forces, and three other daugh-
ters, Mrs. Lucille Sheffield, McAles-
ter; Mrs. Wynema Hooper, Los An-
geles, and Mrs. Elizabeth Sullivan,
Oklahoma City.

Funeral arrangements, to be held
in McAlester, were incomplete.

Licensed to Marry

Marriage licenses were issued here
yesterday to Don Miller, 24, and
Louise Jones, 24, Muskogee; E. L.
Holt, 25, and Joyce Wonder Adams,
17, both of Wetters Falls; and to
Richard Kent, 22, Elberon, Iowa, and
Adeline Yajrt, 19, Chiles, Iowa. Li-
censes were issued during the week-
end to Warren Harding Kithoff, 28,
Shankford, Mo., and Frances Ver-
delle Klumpp, 19, Memphis, Tenn.;
Walter Nelson Wright, 22, Memphis,
Tenn., and Kathryn Ann Walker, 21,
Muskogee, Okla.; Leroy Brown, 21,
and Margaret Raina, 19, both of New
London; Joseph J. Simon, 24, Hamford,
Calif., and Cecelia Reed, 19, Gar-
land, Calif., and to Dennis E.
Gibson, 24, and Lucille F. Lester,
24, both of New Linn, Miss.

Chung-Hua Min-Kuo is the official
name of the republic of China.

Pharm 8/29/44
Shattuck
14146 CC 5601

Chs

Josephine Pitenlym⁶⁴² 2,
Chs Residing in Chae
Nation 3rd Dist.

on
page 395 O.C. 22
last Dist Tobacco Co

ok
Rising
1248

19

- Preston Sydney Tester up 38

Last Chs. Residing in
Chae Nation 1st Dist

page 60 Last Chae Hall
Tobacco Co 1st Dist

ok
Rising
1248

14

Choc 5602

Judy Potts

Trans. from Chick #1240

Oct 24, 1902

5602

L. R. 90
Application for Enrollment
of
Infant Child
Laura Potts
as a Citizen of the
Chickasaw Nation

Approved Oct 13 1899


Commissioner

Roll 14165-

Choctaw 5602

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.

Southern Judicial District.

Horace Potts

being first duly

sworn states that he *is a* citizen of the *Choctaw* Nation of Indians. That he

heretofore made application to the Commission to the Five Civilized Tribes for the enrollment of

himself and family. That *Horace Potts*, the father, is enrolled by

said tribe in *Wade County*, and the mother, *Judy Potts* is a

citizen of the Chickasaw Nation. That ~~since the date of said enrollment by said Commission,~~

there has been born to said *Judy Potts*, to-wit: on the

23rd day of *May* A.D. 18*97*, a *female* child, which has been

named *Laura Potts*, and is still living

Witness to signature *Horace X Potts*

P B Hopkins

Subscribed and sworn to before me this *13th* day of *April* A.D. 18*97*.

Commissioner

Total Enrollment.

- 1 Judy Patton on Choctaw Roll, 1896, Wade County, No. 10312, as Julia Patton.
- 2 Sarah " " " , 1896, " " , " 10313.
- 3 Joshua " " " , 1896, " " , " 10314.
- 4 Allie " " " , 1896, " " , " 10315 as Alice Patton.
- 5 Willie " " " , 1896, " " , " 10316.
- 6 Lillie " " " , 1896, " " , " 10317.
- 7 Eli " " " , 1896, " " , " 10318.
- 8 Horace " Jr., " " , 1896, " " , " 10319.

124090

20

IN RE

Application for Enrollment of

INFANT CHILD.

Rebecca Potts

As a citizen of the

Chickasaw

Nation.

Approved

Nov 4

1899



Commissioner.

Re. 14166

Choctaw 5602

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Chickasaw Nation,
 of Rebecca Potts, born on the 10th day of June, 1899.
 Name of father: Horace Potts, a citizen of the Choctaw Nation.
 Name of mother: Judie Potts, a citizen of the Chickasaw Nation.

Post Office: Talipina Ind. Ter.

AFFIDAVIT OF MOTHER. father

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,
Okfuskee District.

I, Horace Potts, on oath, state that I am 41 years of age and a
 citizen, by blood, of the Choctaw Nation; that I am the
 lawful wife of Judie Potts who is a citizen, by blood, of the
Chickasaw Nation; that a female child was born to me on the 10 day
 of June, 1899; that said child has been named Rebecca Potts,
 and is now living.

Subscribed and sworn to before me this 13th day of October AD, 1899.

L. G. Baines
Commissioner Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,
Okfuskee District.

I, Ada Spring, a neighbor, on oath, state that I
know attended on Mrs. Judie Potts, wife of Horace Potts
 on the 10 day of June, 1899; that there was born to her on said date a female child;
 that said child is now living and is said to have been named Rebecca Potts.

Subscribed and sworn to before me this 13th day of October AD, 1899.

L. G. Baines
Commissioner Notary Public.

IN RE

Application for Enrollment of

INFANT CHILD

Margaret J. Davis

as a citizen of the

Chickasaw Nation.

Approved JUL 22 1902 1902

[Signature]
Commissioner.DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 22 1902*[Signature]*
ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Chickasaw Nation,
of Margaret Susan Potts, born on the 7 day of February, 1900
(Here insert name of child.)
Name of Father: Arthur Heath, a citizen of the Cherokee Nation.
Name of Mother: Sarah Potts, a citizen of the Chickasaw Nation.
Post-Office: Tushkaloona I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

District.

I, Sarah Potts, on oath state that I am 22
years of age and a citizen, by Blood, of the Chickasaw Nation;
that I am the lawful wife of _____, who is a citizen, by

_____ of the _____ Nation, that a female child was
(Male or female.)
born to me on the 7 day of February, 1900; that said child has been
named Margaret Susan Potts, and is now living.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

S. Thomas
E. J. Cary
Subscribed and sworn to before me this 19 day of July, 1902.

Sam J. Roberts Jr.
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

District.

I, Judy Potts, a midwife, on oath state that I
attended on Mrs. Sarah Potts, wife of _____,
on the 7 day of February, 1900; that there was born to her on said
date a female child; that said child is now living and is said to have been
(Male or female.)
named Margaret Susan Potts.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

S. Thomas
E. J. Cary
Subscribed and sworn to before me this 19 day of July, 1902.

Judy Potts
Sam J. Roberts Jr.
Notary Public.

✓
COMMISSIONERS.
HENRY L. DAWES,
TAMM SIXTY,
ARCHIBALD S. MCKENNON,
THOMAS B. NEEDLES,
ALLISON L. AYLESWORTH, SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 12, 1894.

To Horace Potts.,
Tushkahoma, I. T.

Receipt is hereby acknowledged of birth certificate in the matter of the
application for enrollment of Emma Potts, daughter
of Horace Potts and Judy Potts
as a citizen of the Chickasaw Nation, and the same has been duly filed.

Very respectfully,

Tamm Sixty.
Acting Chairman.

C.

Chickasaw 1240

Muskogee, Indian Territory, June 25, 1902.

Peter Haytubby,

Caddo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th instant, asking that you be advised if Julia Potts and her children, Sarah, Joshua, Willie, Lillie, Eli, Horace, Laura, Becky and Susan have been listed for enrollment as Chickasaws and what degree of blood is claimed.

You are advised that on October 13, 1898, Judy Potts, and her children, Sarah, Joshua, Allie, Willie, Lillie, Eli, Horace Jr., and Laura were listed for enrollment by this Commission as citizens by blood of the Chickasaw Nation, Judy Potts as a half-blood and her children as quarter blood Chickasaw Indians, having been transferred by the Commission from the Choctaw roll to the Chickasaw roll. On November 5, 1898, Rebecca Potts, the infant daughter of Judy Potts was listed for enrollment as a citizen of the Chickasaw Nation, upon presentation of proper affidavits as to her birth.

Yours truly,

6204

Chickasaw 1240

Muskogee, Indian Territory, July 23, 1900.

Sarah Potts,

Tushkahomma, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Chickasaw Nation of Margaret Susan Potts, the infant daughter of Sarah Potts, born February 7, 1900, and the same being in proper form, has been duly filed with the records of this office and the child listed for enrollment as a citizen of the Chickasaw Nation.

Yours truly,

Commissioner in Charge.

T-3632

Muskogee, Indian Territory, June 1, 1904.

Sarah Potts,

Talihina, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your affidavit and that of Judy Potts, relative to the birth of your minor daughter, Caroline Potts, August 29, 1903, which it is presumed have been forwarded as an application for enrollment of said child as a citizen by blood of the Choctaw Nation.

Under the provisions of the Act of Congress, approved July 1, 1902, the Commission is now without authority to receive or consider the original application for enrollment of any person whatsoever as a citizen of the Choctaw or Chickasaw Nations.

Respectfully,

Chairman.

2

Choe

Horace Polts age 40
page 397 C.R. No 2
Wade Co. 2nd Dist. 396

wife Chs

Judy
on Roll Julia age 38

Sarah age 17

Joshua " 12

Allie " 10

Willie " 8

Lillie " 6

Eli " 5

1240

183

Horace Jr age 3

Laura age 1

the remainder of father

Wife and children

Chs-

all on page 397 C.R.
No 2 Wade Co. 2nd Dist.

Ok
P. L. W.

1240

184

Choc 5603

Elisha S. Locke

Trans. from Chick # 1425

Oct 24, 1902

5603

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----:0:-----

In the matter of the application for the enrollment as a
citizen by intermarriage of the Choctaw Nation of

ELISHA S. LOCKE, 7 - 5603.

-----:0:-----

Commission to the Five Civilized Tribes,
Goodland, Indian Territory.

In the matter of the enrollment of Elisha S. Locke as
an intermarried citizen of the Choctaw Nation; being sworn and
examined by Commissioner McKennon, he testifies as follows:

Q What is your age? A I am forty.

Q You were married to Miss Jane Davenport on the 24th of Decem-
ber, 1893, were you? A Yes sir.

Q Under a license issued 21st day of December, 1893? A Yes-
sir, I guess so; yes sir, that is right.

Q Who was that issued by? A Wilson Jones, W.S. Jones.

Q He was what? A He was county clerk at that time.

Q Was this written in pencil and handed to you at that time,
this license was it? A Yes sir, I sent a man after the license,
I didn't get the license from Jones himself, and that was brought
back to me just that way written in pencil, and I have had it in
my possession ever since.

Q It has not been recorded? A No sir, not as I know of; I
have not had it recorded; Mr. Miller, the man that married me, had
it about three weeks before he sent it home, after he married me.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
stenographer to above named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

W. D. Jones

Department of the Interior.
Commission to the Five Civilized Tribes.
Antlers, Indian Territory, December 5th, 1902.

Choctaw 5603.
Intermarried.

In the matter of the application of Elisha S. Locke for enrollment as an intermarried citizen of the Choctaw Nation.

Elisha S. Locke, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

Q What is your name? A Elisha S. Locke.
Q How old are you? A Forty nine.
Q What is your post office address? A Antlers, Indian Territory.
Q How long have you been a resident of the Choctaw Nation? A About twenty eight years I think.
Q Have you lived here continuously for the past twenty eight years?
A Yes sir.
Q Never made your home anywhere else during that time? A No sir.
Q Do you claim intermarried rights in the Choctaw Nation? A Yes sir.
Q What is the name of your Choctaw wife through whom you claim these rights? A Janie Davenport.
Q Is she a recognized and enrolled citizen of the Choctaw Nation?
A Yes sir.
Q Her rights as such have never been disputed? A No sir.
Q When were you married to Janie Davenport? A Nine years ago.
Q Where was the marriage ceremony performed? A Near Goodland in Kiamitia county.
Q At that time were both you and your wife bona fide residents of the Choctaw Nation? A Yes sir.
Q Were you married in accordance with the Choctaw tribal law? A Yes sir.
Q Did you obtain a marriage license? A Yes sir.
Q From whom did you get that license? A Wilson James, County Clerk of Kiamitia county.
Q How much did you pay for the license? A I sent by Mr Kelly for the license and I think he paid one hundred dollars in scrip.
Q Who performed the marriage ceremony? A Daniel Miller.
Q Were you ever married before your marriage to Janie Davenport?
A No sir.
Q Was she ever married before her marriage to you? A Yes sir, once.
Q What was the name of her former husband? A Hampton.
Q Was he dead at the time of your marriage to her? A No sir.
Q They had separated? A Yes sir.
Q Had they been divorced? A Yes sir.
Q Where did she obtain the divorce from this man? A At the Forks of the Boggy I think.
Q Since your marriage to Janie Davenport have you lived together continuously as husband and wife up to the present time? A Yes sir.
Q There has been no separation, abandonment or divorce? A No sir.
Q Are you at present living together as actual and bona fide residents of the Choctaw Nation? A Yes sir.

--600--

Harry C. Ritten, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled case on the 5th day of December, 1902, and that the above and foregoing are a full and correct transcript of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 5th day of January 1903.

Kiamichi County Choctaw Nation.
Know all men by these presents
that, Whereas, there is a petition
in my possession, from ~~the~~ the
Citizens of Kiamichi County, desiring
to procure by license for Mr. E. S.
Locke, of the United States of
America, to marry Miss Jane
Dempsey of said County,
therefore, I W. S. Jones, Clerk of
the aforesaid County ~~Nation~~
do hereby grant the same,
and authorize any Minister or Judge
of Courts to unite them in the
Holy bonds of Matrimony.

Given under my hand
and seal this the 21st ~~1892~~
of December A.D. 1893
W. S. Jones
Clerk

I Daniel Miller an
Ordained minister of
the Gospel do hereby
Certify that I did on
the 24th day of December
1893 solemnize the
rights of matrimony
According to the laws of
the Choctaw Nation I. T.
between Mr. E. D. Locke
a citizen of the United States
of America and Miss Jane
Everport a citizen of
Kiamitia County Choctaw
Nation I. T.

This Dec. 24th 1893

Daniel Miller an
Ordained minister
of the Gospel -

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED

JAN 23 1894

[Signature]
CHAIRMAN

Indian Territory,
Central District.

I, Geo.W.Oakes do solemnly swear that during the year of 1887
I was ~~21st~~ District Clerk for the 3rd. District of the Choctaw
Nation, and at the August ^{7 Court} term thereof, Jane Hampton file a peti-
tion for divorce, and the Court on the hearing of said cause ren-
dered a decree dissolving the marriage relations between the
plaintiff and defendant in said cause, and also restored plaintiff
to her maiden name, Jane Davenport.

I am personally acquainted with the plaintiff in said suit and
know that she is now the wife of E.S.Locke

G. W. Oakes

Subscribed and sworn to before me this 5 day of Nov. 1903.

*my Commission expires
Mar. 6. 1906.*

*J. N. Leard
Notary Public*

7 - 5603.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Elisha S. Locke as a citizen by intermarriage of the Choctaw Nation.

DECISION

It appears from the record herein that on December 24, 1893, Elisha S. Locke, the applicant herein, was married in accordance with the laws, customs and usages of the Choctaw Nation to Jane Locke (nee Davenport), a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 13406 upon the lists prepared by this Commission, under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on March 19, 1903; that at the time of said marriage both persons above mentioned were residents in good faith of the Choctaw Nation, and that they lived together continuously in said Nation as husband and wife from the date of said marriage up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that Elisha S. Locke should be enrolled as a citizen by intermarriage of the Choctaw Nation in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

JUN 10 1904

Choctaw 5603

COPY.

Muskogee, Indian Territory, June 10, 1904

Elisha S. Locke,

Antlers, Indian Territory,

Dear Sir:-

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered June 10 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you as a citizen of Choctaw Nation. If at the expiration of that time no protest has been filed your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,
SIGNED

Tams Bixby.
Chairman.

Registered

Incl. 7-5603.

Choctaw: 5803

COPY.

Muskogee, Indian Territory, June 10, 1904

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:-

Inclosed herewith you will find a copy of the decision of the Commission, rendered June 10, 1904, granting the application of Elisha S. Locke for enrollment as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Jame Birby.
Chairman.

Registered
June 10, 1904

CHOCTAW.

20

INDEXED

IN RE

Application for Enrollment of

INFANT CHILD

Mary Locke

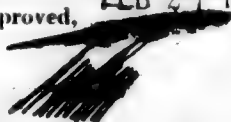
as a citizen of

Choctaw

Nation.

Approved, FEB 27 1903

190



Commissioner.

Proof of birth of child previously
listed for enrollment. 5/12/99
Born Jan 16, 1897

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED

FEB 27 1903



CHAIRMAN.

CHOCTAW.

5600

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Chickasaw Nation,
of Mary Locke, born on the 16 day of Jan, 1877
(Here insert name of child)
Name of Father: Elisha Locke, a citizen of the Chickasaw Nation.
Name of Mother: Jane Locke, a citizen of the Chickasaw Nation.
Post-office, Antlers St.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, Jane Locke, on oath state that I am 35
years of age and a citizen, by blood, of the Chickasaw Nation;
that I am the lawful wife of Elisha Locke, who is a citizen, by
marriage, of the Chickasaw Nation, that a female child was
(male or female.)
born to me on the 16 day of Jan, 1877; that said child has been
named Mary Locke, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

Jane Locke

Subscribed and sworn to before me this 16 day of Feb, 1903.

John Cook
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, J. C. McGinnis, a physician, on oath state that I
attended on Mrs. Jane Locke, wife of Elisha Locke,
on the 16 day of Jan, 1877, that there was born to her on
said date a female child; that said child is now living and is said to have been
(male or female.)
named Mary Locke.

WITNESSES TO MARK:

(Must be Two Witnesses)

J. C. McGinnis

Subscribed and sworn to before me this 16 day of Feb, 1903.

John Cook
NOTARY PUBLIC.

98

IN RE

Application for Enrollment of
INFANT CHILD.

Bertie Lactie

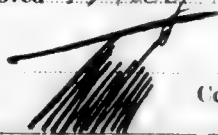
As a citizen of the

Chickasaw

Nation.

Approved

May 18 1899



Commissioner.

Roll 1345

Chickasaw 5603

*Card No 1425,
Chickasaw*

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Bertie Looke, born on the 19 day of Nov., 1898.
Name of father: Eligha S. Looke, a citizen of the Choctaw Nation.
Name of mother: Jane Looke, a citizen of the Choctaw Nation.
Post Office: Antlers, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, Jane Looke, on oath, state that I am 36 years of age and a
citizen, by Blood, of the Chickasaw Nation; that I am the
lawful wife of Eligha S. Looke who is a citizen, by marriage, of the
Choctaw Nation; that a girl child was born to me on the 19 day
of Nov., 1898; that said child has been named Bertie Looke,
and is now living.

Subscribed and sworn to before me this 17 day of May, 1899.

J. E. Looke
C. E. Waeser

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, Rainier Clarke, Midwife, on oath, state that I
attended on Mrs. Jane Looke, wife of Eligha S. Looke
on the 19 day of Nov., 1898; that there was born to her on said date a girl child;
that said child is now living and is said to have been named Bertie Looke.

Subscribed and sworn to before me this 17 day of May, 1899.

Rainier Clarke

C. E. Waeser

Notary Public.

CHOCTAW

INDEXED

IN RE

Application for Enrollment of

INFANT CHILD

Elisha Locke

as a citizen of the

Choctaw Nation.

Approved *FEB 27 1903* 190

[Signature] Commissioner.

*Proof of birth of child previously
filed for enrollment 5/12/99
Born July 8, 1895*

CHOCTAW ENROLLMENT.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

FEB 27 1903

[Signature] ACTING CHAIRMAN.

CHOCTAW.

5603

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Chickasaw Nation,
 of Elisha Locke, born on the 8th day of Feb, 1895.
(Here insert name of child.)
 Name of Father: Elisha Locke, a citizen of the Chickasaw Nation.
 Name of Mother: Jane Locke, a citizen of the Chickasaw Nation.
 Post-Office: Arretus St.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, Jane Locke, on oath state that I am 35
 years of age and a citizen, by Blood, of the Chickasaw Nation,
 that I am the lawful wife of Elisha Locke, who is a citizen, by
Marriage, of the Chickasaw Nation, that a Male child was
 born to me on the 8th day of Feb, 1895, that said child has been
 named Elisha Locke, and is now living.

WITNESSES TO MARK:

(Must be Two)

Subscribed and sworn to before me this 16th day of Feb, 1903.

John Cocke
 Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, J. C. McGinnis, a Physician, on oath state that I
 attended on Mrs. Jane Locke, wife of Elisha Locke,
 on the 8th day of Feb, 1895, 1900; that there was born to her on said
 date a male child; that said child is now living and is said to have been
 named Elisha Locke.

WITNESSES TO MARK:

(Must be Two)

Subscribed and sworn to before me this 16th day of Feb, 1903.

John Cocke
 Notary Public.

CHICKASAW

INDEXED

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IN RE

Application for Enrollment of

INFANT CHILD

Wesley D. Dole

son of

Chickasaw

Native

JAN 1 1902

Approved

[Signature]

100

Commissioner

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JAN 3 1902

[Signature]
ACTING CHAIRMAN.

CHICKASAW.

1425

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Chickasaw Nation,
of Jesse Locke, born on the 16 day of November, 1901.
(Here insert name of child.)
Name of Father: Elisha S. Locke a citizen of the Chickasaw Nation.
Name of Mother: Janie Locke a citizen of the Chickasaw Nation.
Post-office Antlers, Ind.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, Janie Locke, on oath state that I am 34
years of age and a citizen, by blood, of the Chickasaw Nation;
that I am the lawful wife of Elisha S. Locke, who is a citizen, by
marriage, of the Chickasaw Nation; that a male child was
(male or female.)
born to me on 16th day of November, 1901; that said child has been
named Jesse Locke, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 31st day of Dec., 1901.

A. J. Asmuth
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, Addie Hembree, a Mid-wife, on oath state that I
attended on Mrs. Janie Locke, wife of Elisha S. Locke
on the 16 day of November, 1901; that there was born to her on
said date a male child; that said child is now living and is said to have been
(male or female.)
named Jesse Locke.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 31st day of Dec., 1901.

A. J. Asmuth
NOTARY PUBLIC.

Muskogee, Indian Territory, January 3, 1902.

M. S. Locke,

Antlers, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 31, 1901, enclosing the application for enrollment as a citizen of the Chickasaw Nation of Kisha S. and Janie Locke, born November 10, 1901, and such application being in proper form, has been duly filed with the records of this office and the child listed for enrollment as a citizen of the Chickasaw Nation.

Yours truly,

Commissioner in Charge.

7-1428

7-5603.

Muskogee, Indian Territory, December 19, 1902.

Elisha S. Locke,

Antlers, Indian Territory.

Dear Sir:-

In the matter of the enrollment of your son, Elisha Locke, and your daughter, Mary Locke, it does not appear that any affidavits as to the birth of these children have ever been filed with the Commission and therefore you should immediately fill out and return to the Commission with as little delay as possible the enclosed blank affidavits.

In having the same executed be careful to see that all blank spaces are properly filled, all names written in full, and that the notary public before whom the affidavits are sworn to attaches his name and seal to each separate affidavit. In case any signatures are by mark they must be attested by two disinterested parties, witnesses thereto.

This matter must receive your immediate attention as until these affidavits are received nothing further can be done in the matter of the enrollment of your children as citizens of the Choctaw Nation.

Respectfully,

M. S.
Ray.

Acting Chairman.

Choctaw 5603.

Muskogee, Indian Territory, January 20, 1903.

Shub Locke,

Antlers, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your affidavit showing the land which you desire to take in allotment for yourself and family.

You are advised that the Commission has at this time no means of recording the allotments of the citizens of the Choctaw and Chickasaw Nation. As soon as land offices are opened in these two nations the citizens of these two tribes may appear at the land office in the nation in which their allotments are located and make formal application for the land they desire to select in allotment.

No date has been formally announced for the opening of the land offices in the Choctaw-Chickasaw country. As soon as the same is fixed, due notice thereof will be given through the public press.

Respectfully,

Commissioner in Charge.

7-5603.

Muskogee, Indian Territory, January 30, 1903.

Wlisha S. Looka,
Antlers, Indian Territory.

Dear Sir:

In the matter of the enrollment of your son, Wlisha Looka, and your daughter, Mary Looka, it does not appear that any affidavits as to the birth of these children have ever been filed with the Commission, and therefore, you should immediately fill out and return to the Commission with as little delay as possible the enclosed birth affidavits.

In having the same executed be careful to see that all blank spaces are properly filled, all names written in full, and that the notary public before whom the affidavits are sworn to attaches his name and seal to each separate affidavit. In case any signatures are by mark they must be attested by two disinterested parties, witnesses thereto.

This matter must receive your immediate attention as until these affidavits are received nothing further can be done in the matter of the enrollment of your children as citizens of the Choctaw Nation.

Respectfully,

E. B. G.
Env.

Acting Chairman.

7
100-5003
Muskogee, Indian Territory, January 31, 1903.

Misha S. Locke,
Antlers, Indian Territory.

Dear Sir:

In the matter of the enrollment of you son, Misha Locke and your daughter, Mary Locke, as citizens of the Choctaw Nation, it does not appear that any evidence as to the birth of these children has ever been filed with this Commission. You should, therefore, immediately fill out and return to the Commission the enclosed blank affidavits.

In having the same executed be careful to see that all blank spaces are properly filled, all names written in full, and that the notary public before whom the affidavits are sworn to affixes his name and seal to each separate affidavit. In case any signatures are by mark they must be attested by two disinterested parties, witnesses thereto.

This matter should receive your immediate attention as until this information is received nothing further can be done in the matter of the enrollment of your children as citizens of the Choctaw Nation.

Respectfully,

E. G.
Smyth

Acting Chairman.

7-5603.

Muskogee, Indian Territory, March 2, 1903.

Elisha Locke,

Antlers, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Jane Locke and J.C. McGinnis relative to the birth of your minor son, Elisha Locke, February 8, 1895; also the affidavits of Jane Locke and J.C. McGinnis relative to the birth of your minor child, Mary Locke, January 16, 1897; and the same being in proper form have been duly filed with the records of the Commission as evidence of birth of the above named children.

Respectfully,

Chairman.

7-2403.

Muskogee, Indian Territory, July 2, 1903.

Elisha S. Locks,

Antlers, Indian Territory.

Dear Sir:-

It appears from the records of the Commission that you are an applicant for enrollment as a citizen by intermarriage of the Chectaw Nation, claiming your right thereto by virtue of your marriage to Jane Locks, nee Davenport, but there does not appear any evidence on file of your wife's divorce from her former husband, Hampton.

You are advised that it will be necessary for you to furnish the Commission with either the original or a certified copy of the decree of divorce, granted her from her former husband, Hampton.

Your immediate attention is requested to this matter as no further consideration can be given to your case until this evidence is furnished.

Respectfully,

Chairman.

Y-5605

Muskogee, Indian Territory, July 22, 1903.

E. S. Locke,

Antlers, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 13, asking why your family has not yet received their per capita share of the payment now being made to the Chickasaws.

In reply to your letter you are informed that it not appearing from the tribal records of the Chickasaw Nation in the possession of the Commission that Jane Locke, wife of Elisha S. Locke, has been recognized and enrolled by the Chickasaw tribal authorities as a citizen of said nation, and her name having been identified upon the tribal rolls of the Choctaw Nation in the possession of the Commission, she and her children, Elisha, Mary, Bertie and Jesse Locke and Susan Hampton have been enrolled

~~Reverend~~ H. S. L.

by this Commission as citizens by blood of the Cherokee
Nation, and their enrollment as such has been approved
by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

7-3603

Muskogee, Indian Territory, October 20, 1903.

E. S. looks,
Antlers, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 15th inst., stating that you are unable to supply the Commission with a certified copy of the divorce proceedings between your wife, Jane Looks, and her former husband for the reason that the records of the court which granted the same have been destroyed.

You state further that you can furnish the affidavits of the Judge and the Clerk of the District Court at that time, and request to be advised if such affidavits will be sufficient.

You are informed that upon receipt of the affidavits mentioned by you the same will receive proper consideration.

Respectfully,

Commissioner in Charge.

Lehigh b. Ind. Terry.
Mr E. S. Locke Nov 24. 1903.

Dear Sir I receive
your letter with blank affidavit
but I have been sick for so
long and I am confined and
cant go anywhere only thing you
can do is to come up here and
get a notary public and come
to my bed and I will make
affidavit if I can
yours &c

C. S. Winson

7-5603.

Muskogee, Indian Territory, January 23, 1904.

E. S. Locke,

Antlers, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th inst., enclosing the affidavit of G. W. Oakes, formerly clerk of the 3rd District of the Choctaw Nation, relative to the divorce of his wife Jane Locke from her former husband; and the same has been duly filed with our records in the matter of your application for enrollment as an intermarried citizen of the Choctaw Nation.

You also enclose a letter from C. S. Vinson, formerly Judge of the 3rd District Choctaw Nation, and the same has been duly filed with the records in your case. Should further evidence be required you will be duly notified.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, July 15, 1904.

J. H. Leard,

Attorney at Law,

Hugo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th inst., requesting to be advised relative to the status of the application for enrollment of Elisha Locke.

You are informed it appears from our records that on June 10, 1904, a letter was forwarded from this office to Elisha L. Locke, Antlers, Indian Territory, enclosing a copy of the decision of the Commission to the Five Civilized Tribes granting his application for enrollment as a citizen by intermarriage of the Choctaw Nation and advising him that if at the expiration of 15 days from June 10, 1904, no protest had been filed by the attorneys for the Choctaw and Chickasaw Nations, his name would be placed upon the final rolls of the citizens of the Choctaw Nation to be transmitted to the Secretary of the Interior.

No protest having been made to his enrollment, the name of Elisha L. Locke will be placed upon the schedule of intermarried citizens of the Choctaw Nation now being prepared for transmittal to the Secretary of the Interior.

Respectfully,

Chairman

Choc 5604

George A. Clark

5604

Commission to the Five Civilized Tribes,
South McAlester, Ind. Ter.

In the enrollment of George A. Clark as an intermarried Choctaw; being sworn and examined by Com'r McKennon he states:

Q What is your name? A George A. Clark.

Q How old are you? A Twenty-nine.

Q You present here a license issued by the Clerk of Tobuckey County in the Choctaw Nation dated August 23, 1899, to marry Lydia Clark, were you married to her before? A Yes sir.

Q When? A It has been four years ago.

Q Under the United States law? A Yes sir.

Q Were you separated from or divorced from her? A No sir.

Q Then this is a second marriage? A Yes sir.

Q Was she admitted by the United States court? A Yes sir.

Q Where? A Here at South McAlester, by Judge Clayton's court.

Q When you married your wife her name was Lydia Clark the last time? A Yes sir.

Q Are you a white man? A Yes sir.

Q Aren't you an Indian? A Yes sir, I am a Pottawatomie.

Com'r McKennon: We cannot enroll you, because no one but a white person can acquire rights by intermarriage; enrollment is refused.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify that the official seal of the stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

MD Green

Honorable Commissioner of Indian Affairs,
Washington, D. C.

S i r : -

Please enter my appearance in the enclosed case of,
George Clark, on behalf of the applicant and notify me of any
action taken therein.

I have the honor to be,

Respectfully,

(Signed) Chester Howe.

BEFORE THE HONORABLE SECRETARY OF THE INTERIOR

AND THE

HONORABLE COMMISSIONER OF INDIAN AFFAIRS

WASHINGTON, D. C.

PETITION.

Comes now George Clark by his attorneys Harley & Lindly and Chester Howe and petitions the Honorable Secretary of the Interior and the Honorable Commissioner of Indian Affairs to issue an order directed to the Commission to the Five Civilized Tribes, commonly known as the Dawes Commission, directing them, the said Dawes Commission to accept the papers hereunto tendered by him to the said Commission and to rule and pass upon the legal status of your applicant as a member of the Choctaw Nation by intermarriage and further to direct the said Commission that, if no showing to try contrary is made that your petitioner shall be enrolled, and your petitioner alleges as grounds for said action:

I.

That he is an intermarried citizen of the Choctaw Nation, proof of which is hereunto attached; that he was married on the 23 day of August, 1899, and has been since that time a resident of the Choctaw Nation in good faith.

II.

That under the law he is entitled to be enrolled and that the rejection of the Dawes Commission is without authority in law.

III.

That he has not been in laches in prosecuting said claim; that he has complied fully with the Choctaw laws with relation to intermarriage and that he is an Indian by blood and that

(II).

he believes that he is entitled to the relief prayed for.

Respectfully submitted,

(Signed)

Harley & Lindly.

Chester Howe.

Attys. for petitioner.

CITY OF WASHINGTON }
DISTRICT OF COLUMBIA } SS.

Chester Howe being sworn according to law on oath
states that he is attorneys for the petitioner in the above and
foregoing petition; that the same is filed in good faith and not
for the purpose of delay; but in order that justice may be done.

(Signed)

Chester Howe.

Subscribed and sworn to before me this 22 day of Jan. A. D. 1900.

(Signed)

J. J. Nelligan.

Notary Public.

(SEAL)

United States of America,
Indian Territory,
Central District.

M. M. Lindly, of lawful age, being first duly sworn, upon his oath states; That is is an Attorney at Law and a member of the firm of Harley & Lindly at South McAlester, Indian Territory; that he represented quite a number of citizenship claimants for membership in the Choctaw Tribe, and that he carried to the Dawes Commission, petitions in about 15 cases; that the Honorable A. S. McKinnon, Acting member of said Commission refused to receive and file said peitions or to have any thing whatever to do with said cases, stating that said Commission was without authority to act or jurisdiction to consider them, and further notified your affiant that he might consider all his petitions filed without further presentation of them; affiant further states that he was present on numerous occasions before said Commission when it refused to make records for applicants or receive petitions and that his clients, many of them, corresponded with said Commission and were notified by said Commission that they were without jurisdiction to consider their cases unless applicants were on some roll of the Choctaw Nation (See letter hereto attached and made a part hereof to one of our clients, signed by said A. S. McKinnon).

This is These are the reasons why some of the cases presented to the Commissioner of Indian Affairs were not first offered to the Dawes Commission. Affiant further states that many of his clients who did appear before the Dawes Commission reported to him that said Acting member notified them in effect as above stated and further that it was folly to pursue their cases and advised them not to pay lawyers any money or have any thing to do with them (See affidavit of William Nichols in the case of Nichols, et al. vs Choctaw Nation .

The same assertion was made to Osa Wingfield in the Dendy Wingfield case on file before the Department as well as to many other persons who your affiant deems it unnecessary to name.

Affiant further states that his clients without exception are all ready and willing to comply with and obey any instructions given from the Secretary of the Interior or any law emanating from Congress or the Department of Indian Affairs.

(Signed)

M. M. Lindly.

Subscribed and sworn to before me this 3rd day of January, 1900.

(Signed)

James E. Gresham.

Notary Public.

(SEAL)

My Commission expires November 26, 1900.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

South McAlester, I. T., September 6, 1899.

Mrs. H. Gross,

Allen, Id. Ter.

Dear Madam:-

We are just in receipt of your letter of the 2nd Inst., and in reply we have this to say if you are not already on the rolls, recognized as a citizen, or have not been admitted either by the Commission of the Courts, the Commission has no authority whatever to enroll you.

Yours respectfully,

(Signed) A. S. McKennon.

Before the Commissioner of Indian Affairs,

Washington, D. C.

In the matter of the enrollment
of George Clark as a member of
the Choctaw Nation by intermarriage.

Comes now your petitioner George Clark and shows to the Honorable Commissioner of Indian Affairs that he is a bona fide resident of the Choctaw Nation, Indian Territory, and has been for more than two years last past; that on the 4th. day of September 1894, he was duly and lawfully married to one Lydia Lewis, who was a Choctaw Indian by blood, but whose rights as such Indian had not at that time been adjudicated; that thereafter on the ____ day of January, 1898, the said Lydia Lewis together with the rest of her father's family, declared by the United States Court at South McAlester, Indian Territory, to be Choctaw Indians by blood and a judgment rendered in their favor. That thereafter, to-wit: On the 7th. day of August, 1899, his said wife Lydia was duly enrolled on the final rolls of the Choctaw Nation, by the Commission to the Five Civilized Tribes, then in session at Calvin, Indian Territory.

Your petitioner further shows that on the 28th day of August, 1899, in compliance with the Choctaw laws and the treaties for intermarriage between "white men and other persons", made application to the clerk of the county court of Tobucksey county, Choctaw Nation, to-wit: A. W. McClure for a license for the purpose of complying with the said marriage laws of the Choctaw Nation. That on the 23rd. day of August, 1899, the said clerk of said court issued to this petitioner a license in accordance with the Choctaw law for his marriage to his said wife Lydia; that on the 28th. day of August, 1899, he was duly and lawfully married by virtue of

said Choctaw National license and in compliance with the Choctaw law he had said marriage duly recorded, took the oath of allegiance to said Choctaw Nation and in every way complied with the said Choctaw laws with reference to marriage, as will be seen by the original marriage license, certificate of marriage, oath of allegiance, hereto attached marked exhibit A and made a part hereof.

Your petitioner further shows that prior to the final enrollment of his said wife as a Choctaw as hereto fore set out, he could not procure the said license and comply with the said laws of the Choctaw Nation; that the time elapsed between his said wife's enrollment and his compliance with said Choctaw laws, was only twenty days as is shown by the papers hereto attached.

Your petitioner further shows that the Choctaw Nation received from him for said license the sum of One Hundred Dollars, that he acted in good faith in the compliance of their laws for the purpose of becoming a citizen of said tribe.

Your petitioner further shows that on the 4th. day of September at South McAlester, Indian Territory, he presented to the Commission to the Five Civilized Tribes, through its Acting member Hon. A. S. McKennon, the marriage license and certificate hereto attached, and was by said A. S. McKennon, refused enrollment as an intermarried citizen of said Choctaw Nation.

Your petitioner further shows that the Hon. A. S. McKennon gave as a reason for refusing him, that he is an Indian by blood and was formally a member of the Pottawotame Band of Indians in the now territory of Oklahoma, but that since the marriage to his present wife he had moved to the Choctaw Nation for the purpose of making it his future home, and is at this time a bona fide resident of said Choctaw Nation.

Wherefore, the premises considered, the petitioner prays

that he be decreed to be an intermarried citizen of said Choctaw tribe of Indians, entitled to all the rights, benefits and immunities of such citizens and that his name be placed on the final roll of the same.

(Signed)

George Clark.

Indian Territory,
Central District.

George Clark of lawful age being by me first duly sworn upon his oath states that he is the petitioner in the above and foregoing petition and that he has read over and is familiar with the contents of same and that the matters and things therein set forth are true.

(Signed)

George Clark.

Subscribed and sworn to before me this 4th. day of September, 1899.

(Signed)

James E. Gresham,
Notary Public.

(SEAL)

My Commission expires
November 26, 1900.

MARRIAGE LICENSE.

THE CHOCTAW NATION)
INDIAN TERRITORY) ss.
TOBUCKSY COUNTY.)

To any Minister of the Gospel, Judge, or any other person in the
Choctaw Nation authorized to solemnize the rites of matrimony.

GREETING:--

WHEREAS, George A. Clark a citizen of the United
States, has duly made application to the undersigned, Clerk of
the County and Probate Court, within and for the County of Tobucksay
Choctaw Nation, for a license to enter into the Bonds of Matrimony
with Lydia Clark a citizen of the Choctaw Nation. And the under-
signed being satisfied that the said Geo. A. Clark is a suitable
person to be granted license to enter into the Bonds of Matrimony
with the said Lydia A. Clark,

Now, I therefore grant unto the said Geo. A. Clark a
license to marry the said Lydia Clark And any minister of the Gospel,
Judge or any person authorized to solemnize the rites of matrimony,
is hereby authorized to join in matrimony the said Geo. A. Clark
and the said Lydia Clark.

IN TESTIMONY WHEREOF I, A. W. McClure, County and Pro-
bate Clerk, in and for the County of Tobucksay, Choctaw Nation,
have hereunto set my hand and seal of said court, this twenty-third
day of August, A. D. 1899.

(Signed) A. W. McClure, Clerk.

By _____ D. C.
of Tobucksay County, C. N.

CERTIFICATE OF MARRIAGE.

CHOCTAW NATION,)
TOBUCKSY COUNTY.)

I, Reastus DeWolf, A clergyman of the Prot. Epis. Church, do hereby certify that on the 28th day of August, A. D. 1899 I did duly and according to law, as commanded in the aforesaid license, solemnize the Rites and publish the Banns of Matrimony between the parties therein named.

Witness my hand this the 28th. day of August, A. D. 1899.

My credentials are recorded in the office of the Clerk of the U. S. Court, Court, South McAlester, I. T. Book "B" Page 173.

(Signed)

Erasyus DeWolf,

A Minister of the Epis Ch.

(INDORSED ON BACK AS FOLLOWS:)

I do solemnly swear that I will honor, defend and submit to the Constitution and laws of the Choctaw Nation, and will neither claim nor seek from the United States Governmentor from the judicial tribunals thereof any protection, privilege or redress incomputible with the same as guaranteed to the Choctaw Nation by the treaty stipulations entered into between them, So help me God.

(Signed)

George A. Clark.

Sworn and subscribed to before me , this 23rd day of August A. D. 1899.

(Signed)

A. W. McClure,

County and Probate Clerk of
Tobuckay County, Choctaw Nation.

(AND FURTHER INDORSED ON BACK IN WORDS AND FIGURES AS FOLLOWS);

Filed in my office for record at 3 P. M. and duly
recorded Book "D" page 245 of Tobucksy County Court records.

This 28th day of Aug. 1899.

(Signed)

A. W. McClure

Clerk of Tobucksy County, Choctaw Nation.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REPORT OF THE COMMISSION.

In the matter of the application of George A. Clark
for the enrollment of himself as an intermarried citizen of the
Chester Nation.

---: DECISION :---

The record in this case shows that George A. Clark
appeared before the Commission at South McAlester, Indian Territory,
at its session beginning September 4, 1899, and ending September 13,
1899, and then and there made application for the enrollment of him-
self as an intermarried citizen of the Chester Nation.

It does not appear from the evidence offered in sup-
port of this application, and an examination of the tribal rolls of
the Chester Nation in the possession of the Commission, that this
applicant has ever been enrolled as a citizen of the Chester Nation,
nor does his name appear upon any of the tribal rolls of the Chester
Nation in the possession of the Commission, nor does it appear that
he has ever been admitted to Chester citizenship by the legislative and
executive authorities of said Nation.

(2).

It further appears from an examination of the records in the possession of the Commission that this applicant, in connection with others, filed an original petition for citizenship in the Choctaw Nation with the Commission to the Five Civilized Tribes, under the act of Congress of June 10, 1896, (29 Stats., 321), the same being on Choctaw citizenship docket "C", number 350, and styled "Zora P. Lewis, et al., vs. the Choctaw Nation." The Commission denied the said George A. Clark citizenship in the Choctaw Nation, and an appeal was perfected therefrom to the United States Court in Indian Territory for the Central District, at South McAlester, and said Court, in the case of Zora P. Lewis, et al., vs. the Choctaw Nation, Court case number 53, by its decision rendered on the 19th day of January, 1898, affirmed the decision of the Commission as to this applicant, and denied the applicant admission to citizenship in the Choctaw Nation.

It further appears from the evidence that the applicant is a Pettawatonic Indian, and that previous to his said application to the Commission he had been married under the laws of the United States to his wife, Lydia Clark, who is a citizen of the Choctaw Nation, and that after the rendition of the judgment aforesaid, on the 23rd day of August, 1898, this applicant procured a marriage license from the Choctaw Nation, and was married according to the provisions of the act of the Choctaw National Council, passed November 9, 1872.

The act of Congress of June 28, 1898, (30 Stats., 495) provides:

(3).

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud, or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

Under this act the applicant, being a Pottawatomie Indian, and the Commission having only authority to enroll intermarried white persons as citizens of the Choctaw Nation, cannot enroll an Indian as an intermarried white person.

It is, therefore, the opinion of this Commission that the applicant, George A. Clark, is not lawfully entitled to be enrolled as a member of the Choctaw Tribe of Indians in Indian Territory, and that his application therefor should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.


Commissioner.

Washoe, Indian Territory,

APR -9 1902

COPY.

Chectaw R 352

Muskogee, Indian Territory, April 9, 1902.

George A. Clark,
Legal, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself as a citizen of the Chectaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Tams Bixby.

CHIEF

Acting Chairman.

Enc. Y-14
Register.

Cheotaw 2 352

COPY

Muskogee, Indian Territory, April 9, 1902.

Harley & Lindley,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of George A. Clark as a citizen of the Cheotaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED)

Jame Bixby.

Acting Chairman.

Enc Y-12

Register.

Sheet 2 32

COPY.

Muskogee, Indian Territory, April 9, 1902.

Chester Howe,
623 F. Street, N. W.,
Washington, D. C.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of George A. Clark as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

SIGNED, *James Bixby.*
Acting Chairman.

1 enclosure Y-11
Register.

Chester 2 352

COPY.

Muskogee, Indian Territory, April 7, 1902.

Messrs Mansfield, Melturray & Cornish,

Attorneys for the Chectaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of George A. Clark as a citizen of the Chectaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED)

Jams Dixby.

Acting Chairman.

Enc. Y-13

Register.

COPY.

Muskogee, Indian Territory, April 9, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of George A. Clark for enrollment as a citizen of the Choctaw Nation, including the decision of the Commission, dated April 9, 1902, refusing the application for the enrollment of George A. Clark as a citizen of said nation.

Respectfully,

(SIGNED)

Tams Bixby.

Acting Chairman.

1 enclosure.

Through the Commissioner
of Indian Affairs.

39738

DEPARTMENT OF THE INTERIOR.

W.C.P.
W.C.P.
S. V. P.

Ind. Ter. Div.
3124-1902.

Washington,

July 5, 1902.

W. V --

The Commission to the
Five Civilized Tribes,
Muskogee, Ind. Ter.,

Gentlemen:

The Department has considered the papers in the matter of George A. Clark's application for enrollment as an intermarried citizen of the Choctaw Nation. You rejected this application and in respect thereof said:

It does not appear from the evidence offered in support of this application, and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, that this applicant has ever been enrolled as a citizen of the Choctaw Nation, nor does his name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that he has ever been admitted to Choctaw citizenship by the legally constituted authorities of said Nation.

It further appears from an examination of the records in the possession of the Commission that this applicant, in connection with others, filed an original petition for citizenship in the Choctaw Nation with the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896 (29 Stats., 321), the same being on Choctaw citizenship docket "C", number 850, and styled 'Zora P. Lewis et al. vs. the Choctaw Nation.' The Commission denied the said George A. Clark citizenship in the Choctaw Nation, and an appeal was perfected therefrom to the United States Court in Indian Territory for the Central District, at South McAlester, and said Court, in the case of Zora P. Lewis et al., vs the Choctaw Nation, Court case number 53, by its decision rendered on the 19th day of January, 1898, affirmed the decision of the Commission as to this applicant, and denied the applicant admission to citizenship in the Choctaw Nation.

It further appears from the evidence that the applicant is a Pottawatomie Indian, and that previous to his said application to the Commission he had been married under the laws of the United States to his wife, Lydia Clark, who is a citizen of the Choctaw Nation, and that after the rendition of the judgment aforesaid, on the 23rd day of August, 1898, this applicant procured a marriage license from the Choctaw Nation, and was married according to the provisions of the act of the Choctaw Council passed November 9, 1878.

The act of Congress of June 28, 1898, (30 Stats., 495) provides:

'Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud, or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes.'

Under this act the applicant, being a Pottawatomie Indian, and the Commission having only authority to enroll intermarried white persons as citizens of the Choctaw Nation, cannot enroll an Indian as an intermarried white person.

The Commissioner of Indian Affairs, transmitting your report, said:

The Curtis Act does declare, as stated by the Commission, that it shall enroll 'such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship' but the office does not believe the words 'white persons' as used in said Act are intended to apply directly to people of the Caucasian race. It seems to the office that these words are used in the generic sense for the purpose of distinguishing intermarried persons from citizens of the nations.

This applicant having complied with the laws of the Choctaw Nation relating to intermarriages subsequent to the date of the decision of the court in his case, the office believes him to be qualified for enrollment in said nation and it therefore respectfully recommends that the Commission be directed to place the name of George A. Clark on the roll of Choctaw citizens being prepared by it, as a citizen of that nation by intermarriage.

The facts according to Clark's petition and the testimony are substantially as set forth in your report hereinbefore quoted from. Clark's status as to citizenship at and immediately prior to the date of the marriage upon which he claims the right to be enrolled as an intermarried citizen, is left in some doubt. In his testimony he described himself as a Pottawatomie Indian by blood, but he was not interrogated as to his citizenship prior to such marriage and made no statement respecting that matter. In the marriage license issued by the Choctaw authorities, which was filed as a part of the proof in support of his claim, he is described as a citizen of the United States. This may properly be accepted as satisfactorily establishing his status to be that of a citizen of the United States. Clark's claim rests entirely upon his later marriage, in connection with which all the requirements of Choctaw were carefully complied with, it having been finally determined that he gained no right to enrollment by virtue of his earlier marriage to the same woman, because the parties had not observed and complied with the requirements of the Choctaw law in connection therewith.

The treaty of April 28, 1866 (14 Stat., 769), between the United States and the Choctaw and Chickasaw Indians, being the last negotiated between said parties, provides that "every

white person who, having married a Choctaw or Chickasaw, resides in the Choctaw or Chickasaw nation . . . shall be deemed a member of said nation," but contains no provision in respect of any other class of persons marrying into the nation. The laws of the Choctaw Nation recognize the rights of others than "white persons" to acquire citizenship by marrying a member of the tribe. Thus the act of November 9, 1875, under which the license to Clark was issued, provides that "any white man or citizen of the United States or of any foreign government desiring to marry a Choctaw woman, citizen of the Choctaw Nation shall be and is hereby required to obtain a license," etc.

By observing and complying with the requirements of the Choctaw law in respect of marriages between citizens of the United States and members of the Choctaw Nation, Clark became entitled to recognition as an intermarried citizen and by right ought to be enrolled as such.

If Clark's right is to be determined upon a strict and literal construction of the single provision of the act of June 28, 1898 (30 Stat., 495, 503), directing the enrollment of "such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and laws of said tribes", the conclusion reached by the Commission to the Five Civilized Tribes would be justified. The purpose of the legislation was evidently to secure the enrollment of all persons who were justly entitled to be recognized as citizens of the

and in view and all the provisions should be considered. That it was not intended to limit the recognition of intermarried citizens to white persons is clearly shown by a further provision of said act of 1898, as follows:

The rolls so made when approved by the Secretary of the Interior shall be final, and the persons whose names are found thereon, with their descendants thereafter born to them, with such persons as may intermarry according to tribal laws, shall alone constitute the several tribes which they represent.

Clark is a person who has intermarried according to the Choctawtribal laws and is therefore entitled to recognition under this provision and his name should therefore be placed upon the rolls, and it is so directed.

Very respectfully,

(signed) E. A. Hitchcock.

Secretary.

Muskogee, Indian Territory, July 17, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
 South McAlester, Indian Territory.

Gentlemen:

With our letter of April 9, 1902, there was enclosed you
 a copy of the decision of the Commission to the Five Civilized
 Tribes in the matter of the application for the enrollment of George
 A. Clark as a citizen of the Choctaw Nation and at the same time
 you were advised that the Commission had on that date forwarded
 the record in the case of George A. Clark to the Secretary of the
 Interior for his review.

The Commission is now in receipt of a communication
 from the Secretary of the Interior under date of July 5, 1902,
 in which, after reviewing the action taken by the Commission upon
 the application of Clark for enrollment as a citizen by inter-
 marriage of the Choctaw Nation, quotes from the report of the
 Commissioner of Indian Affairs transmitting the record in the
 case to the Secretary of the Interior, as follows:

"The Curtis Act does declare, as stated by the Commis-
 sion, that it shall enroll 'such intermarried white persons as
 may be entitled to Choctaw and Chickasaw citizenship,' but the
 office does not believe the words 'white persons' as used in said
 Act are intended to apply directly to persons of the "

It seems to the office that these words are used in the generic sense for the purpose of distinguishing intermarried persons from citizens of the nations.

This applicant having complied with the laws of the Choctaw Nation relating to intermarriages subsequent to the date of the decision of the court in his case, the office believes him to be qualified for enrollment in said nation and it therefore respectfully recommends that the Commission be directed to place the name of George A. Clark on the roll of Choctaw citizens being prepared for it, as a citizen of that nation by intermarriage."

The Secretary of the Interior in reviewing this case and the decision of the Commission thereon, uses the following language:

"The facts according to Clark's petition and the testimony are substantially as set forth in your report hereinbefore quoted from. Clark's status as to citizenship at and immediately prior to the date of the marriage upon which he claims the right to be enrolled as an intermarried citizen, is left in some doubt. In his testimony he described himself as a Pottawatomie Indian by blood, but he was not interrogated as to his citizenship prior to such marriage and made no statement respecting that matter. In the marriage license issued by the Choctaw authorities, which was filed as a part of the proof in support of his claim, he is described as a citizen of the United States. This may properly be accepted as satisfactorily establishing his status to be that of a citizen of the United States. Clark's claim rests entirely upon his later marriage, in connection with which all the requirements of Choctaw were carefully complied with, it having been finally determined that he gained no right to enrollment by virtue of his earlier marriage to the same woman, because the parties had not observed and complied with the requirements of the Choctaw law in connection therewith.

The treaty of April 28, 1846 (14 Stat., 769), between the United States and the Choctaw and Chickasaw Indians, being the last negotiated between said parties, provides that "every white person who, having married a Choctaw or Chickasaw, resides in the Choctaw or Chickasaw nation . . . shall be deemed a

M. M. & C. 3

member of said nation," but contains no provision in respect of any other class of persons marrying into the nation. The laws of the Choctaw Nation recognize the rights of others than "white persons" to acquire citizenship by marrying a member of the tribe. Thus the act of November 9, 1878, under which the license to Clark was issued, provides that "any white man or citizen of the United States or of any foreign government desiring to marry a Choctaw woman, citizen of the Choctaw nation shall be and is hereby required to obtain a license," etc.

By observing and complying with the requirements of the Choctaw law in respect of marriages between citizens of the United States and members of the Choctaw Nation, Clark became entitled to recognition as an intermarried citizen and by right ought to be enrolled as such.

If Clark's right is to be determined upon a strict and literal construction of the single provision of the act of June 28, 1898 (30 Stat., 495, 503), directing the enrollment of "such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and laws of said tribes", the conclusion reached by the Commission to the Five Civilized Tribes would be justified. The purpose of the legislation was evidently to secure the enrollment of all persons who were justly entitled to be recognized as citizens of the respective tribes and it should be read and construed with this end in view and all the provisions should be considered. That it was not intended to limit the recognition of intermarried citizens to white persons is clearly shown by a further provision of said act of 1898, as follows:

The rolls so made, when approved by the Secretary of the Interior, shall be final, and the persons whose names are found thereon, with their descendants thereafter born to them, shall alone constitute the several tribes which they represent.

Clark is a person who has intermarried according to the Choctaw tribal laws and is therefore entitled to recognition under this provision and his name should therefore be placed upon the rolls, and it is so directed."

Yours truly,

COPY.

Choctaw R. 352.

Muskogee, Indian Territory, November 1, 1902.

George A. Clark,
Legal, Indian Territory,

Dear Sir:

You are hereby advised that on July 5, 1902, the Secretary of the Interior reversed the decision of the Commission of April 9, 1902, rejecting your application for enrollment as an intermarried citizen of the Choctaw Nation, notice of which was forwarded you by registered mail, April 9, 1902, and your enrollment as a citizen by intermarriage of the Choctaw Nation was ordered by the Secretary of the Interior. You will therefore be regularly listed for enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

SIGNED: *C. R. Breckinridge.*

Commissioner in Charge.

CHOCTAW
R. 3152

Waskagee, Indian Territory, May 24, 1900.

Mr. Chester Howe,

625 F Street, N.W.,

Washington, D.C.

Dear Sir:

The Commission is in receipt of the petition and affidavit in the case of George A. Clark vs. the Choctaw Nation, forwarded by you to the Secretary of the Interior and the Commissioner of Indian Affairs, and by the Commissioner of Indian Affairs transmitted to this Commission.

The records of the Commission show that George A. Clark appeared at South McAlester as an applicant for enrollment as an intermarried citizen of the Choctaw Nation and was refused enrollment because the testimony showed him to be a Pottawatomie, and not a white man. The petition and affidavit have been filed, for the purpose of forwarding to the Secretary of the Interior, when the final rolls of the Choctaw Nation are sent to him for review. Any additional testimony which the petitioner may desire to file will be received by the Commission.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, August 20, 1900.

Mr. M. M. Lindley,

South McAlester, Indian Territory,

Dear Sir:

In accordance with the request made by you when you were in Muskogee last, you are advised that the records of the Commission show that George A. Clark applied for enrollment as an intermarried citizen of the Choctaw Nation, and that his application was by the Commission at that time refused.

Yours truly,

Acting Chairman.

D.C.No. 11408-1902.

39738

W.C.P.
W.C.P.
S.V.P.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

Ind. Ter. Div.
3124-1902.

July 5, 1902.

W.D.V.

The Commission to the
Five Civilized Tribes,

Muskogee, Ind. Ter.,

Gentlemen:

The Department has considered the papers in the matter of George A. Clark's application for enrollment as an intermarried citizen of the Choctaw Nation. You rejected this application and in respect thereof said:

It does not appear from the evidence offered in support of this application, and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, that this applicant has ever been enrolled as a citizen of the Choctaw Nation, nor does his name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that he has ever been admitted to Choctaw citizenship by the legally constituted authorities of said Nation.

It further appears from an examination of the records in the possession of the Commission that this applicant, in connection with others, filed an original petition for citizenship in the Choctaw Nation with the Commission to the Five Civilized Tribes, under the act of Congress of June 10, 1896, (29 Stats., 321), the same being an Choctaw citizenship docket "C", number 850, and styled "Zera P. Lewis et al. vs. the Choctaw Nation." The Commission denied the said George A. Clark citizenship in the Choctaw Nation, and an appeal was perfected therefrom to the United States Court in Indian Territory for the Central District, at South McAlester, and said Court, in the case of Zera P. Lewis et al., vs. the Choctaw Nation, Court case number 82, by its decision rendered on the 19th day of January, 1902, affirmed the decision of the Commission as to this applicant, and denied the applicant admission to citizenship in the Choctaw Nation.

It further appears from the evidence that the applicant is a Pottawatomie Indian, and that previous to his said application to the Commission he had been married under the laws of the United States to his wife, Lydia Clark, who is a citizen of the Choctaw Nation, and that after the rendition of the judgement aforesaid, on the 23rd day of August, 1900, this applicant procured a marriage license from the Choctaw Nation, and was married according to the provisions of the Act of the Choctaw Council, passed November 4, 1898.

The act of Congress of June 28, 1898 (30 Stats., 495) provides:

'Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud, or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes.'

Under this act the applicant, being a Pettawatonic Indian, and the Commission having only authority to enroll intermarried white persons as citizens of the Choctaw Nation, cannot enroll an Indian as an intermarried white person.

The Commissioner of Indian Affairs, transmitting your report, said:

The Curtis Act does declare, as stated by the Commission, that it shall enroll 'such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship', but the office does not believe the words 'white persons' as used in said Act are intended to apply directly to people of the Caucasian race. It seems to the office that these words are used in the generic sense for the purpose of distinguishing intermarried persons from citizens of the nations.

This applicant having complied with the laws of the Choctaw Nation relating to intermarriages subsequent to the date of the decision of the court in his case, the office believes him to be qualified for enrollment in said nation and it therefore respectfully recommends that the Commission be directed to place the name of George A. Clark on the roll of Choctaw citizens being prepared by it, as a citizen of that nation by intermarriage.

The facts according to Clark's petition and the testimony are substantially as set forth in your report hereinbefore quoted from. Clark's status as to citizenship at and immediately prior to the date of the marriage upon which he claims the right to be enrolled as an intermarried citizen, is left in some doubt. In his testimony he described himself as a Pettawatonic Indian by blood, but he was not interrogated as to his citizenship prior to such marriage.

and made no statement respecting that matter. In the marriage license issued by the Choctaw authorities, which was filed as a part of the proof in support of his claim, he is described as a citizen of the United States. This may properly be accepted as satisfactorily establishing his status to be that of a citizen of the United States. Clark's claim rests entirely upon his later marriage, in connection with which all the requirements of Choctaw were carefully complied with, it having been finally determined that he gained no right to enrollment by virtue of his earlier marriage to the same woman, because the parties had not observed and complied with the requirements of the Choctaw law in connection therewith.

The treaty of April 28, 1866 (14 Stat., 769), between the United States and the Choctaw and Chickasaw Indians, being the last negotiated between said parties, provides that "every white person, who, having married a Choctaw or Chickasaw, resides in the Choctaw or Chickasaw nation . . . shall be deemed a member of said nation" but contains no provision in respect of any other class of persons marrying into the nation. The laws of the Choctaw Nation recognize the rights of others than "white persons" to acquire citizenship by marrying a member of the tribe. Thus the act of November 9, 1878, under which the license to Clark was issued, provides that "any white man or citizen of the United States or of any foreign government desiring to marry a Choctaw woman, citizen of the Choctaw nation shall be and is hereby required to obtain a license, " etc.

By observing and complying with the requirements of the Choctaw law in respect of marriages between citizens of the United

-4-

States and members of the Chester Nation, Clark became entitled to recognition as an intermarried citizen and by rights ought to be enrolled as such.

If Clark's right is to be determined upon a strict and literal construction of the single provision of the act of June 28, 1898 (30 Stats., 495, 505), directing the enrollment of "such intermarried white persons as may be entitled to Chester and Chickasaw citizenship under the treaties and laws of said tribes", the conclusion reached by the Commission to the Five Civilized Tribes would be justified. The purpose of the legislation was evidently to secure the enrollment of all persons who were justly entitled to be recognized as citizens of the respective tribes and it should be read and construed with this end in view and all the provisions should be considered. That it was not intended to limit the recognition of intermarried citizens to white persons is clearly shown by a further provision of said act of 1898, as follows:

The rolls so made, when approved by the Secretary of the Interior, shall be final, and the persons whose names are found thereon, with their descendants thereafter born to them, with such persons as may intermarry according to tribal laws, shall alone constitute the several tribes which they represent.

Clark is a person who was intermarried according to the Chester tribal laws and is therefore entitled to recognition under this provision and his name should therefore be placed upon the rolls and it is so directed.

Very respectfully,

(Signed)

H. A. Hitchcock,
Secretary.

Shawnee 5506

Winkoche, Indian Territory, November 1, 1902.

George A. Clark,

Legal, Indian Territory,

Dear Sir:

You are hereby advised that you should appear before the Commission at one of its appointments in the Cherokee and Chickasaw Nations most convenient to your residence, a list of which is inclosed you herewith, for the purpose of giving testimony in regard to your status as an intermarried citizen of the Cherokee Nation on September 25, 1902, the date of the final ratification of the agreement recently entered into between the United States and the Cherokee and Chickasaw Nations, approved by an act of Congress of July 1, 1902, (32 Stat., 341).

Respectfully,

Commissioner in Charge.

Notice of appointments.

Choctaw-5604.

Muskogee, Indian Territory, August 13, 1904.

George A. Clark,

Legal, Indian Territory.

Dear Sir,

In the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation, it will be necessary, before your rights as such citizen can be determined, for you to appear in person before the Commission for the purpose of giving testimony relative to your intermarried status on September 25, 1902.

You are, therefore, requested to appear before the Commission at its general office, Muskogee, Indian Territory as soon as possible; or you may appear at the Choctaw Land Office, Atoka, Indian Territory, September 6-7, 1904; or at the Chickasaw Land Office, Tishomingo, Indian Territory, September 8-9, 1904.

Respectfully,

Commissioner in Charge.

Choc 5605

Gilbert Pickens

5605

Hartshorn, I. T. Oct. 27, 1900.

John Pickens,

Hartshorn, I. T.

Dear Sir:

Can you furnish the Commission with any information as to Gilbert Pickens, a resident of Gilman County, whose name appears on the 1897 Census Roll of the Cherokee nation, where he is given as 19 years old, but who has never made application for enrollment to the Bureau Commission? There is enclosed herewith an envelope for the return of this letter, after the questions have been answered and your name signed thereto; no stamp is needed for this envelope.

Yours truly,

Acting Chairman.

Please answer the following questions in the blanks left opposite, and sign your name.

1. Do you know the parents of Gilbert Pickens? _____
2. Is he your brother? _____
3. Is he living or dead? _____
4. If you can give us no information about him, will you furnish the name of some one who can? _____

Very,

COMMISSIONERS:
HENRY L. DAWES,
THOMAS BIXBY,
THOMAS B. NEEDLES,
C. R. BRACKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T. Oct. 27, 1900.

John Pickens,
Hartshearn, I. T.

Dear Sir:

Can you furnish the Commission with any information as to Gilbert Pickens, a resident of Gaines County, whose name appears on the 1896 Census Roll of the Choctaw nation, where he is given as 19 years old, but who has never made application for enrollment to the Dawes Commission? There is enclosed herewith an envelope for the return of this letter, after the questions have been answered and your name signed thereto; no stamp is needed for this envelope.

Yours truly,

Thomas Bixby
Acting Chairman.

Please answer the following questions in the blanks left opposite, and sign your name.

1. Do you know the parents of Gilbert Pickens? _____
2. Is he your brother? _____
3. Is he living or dead? _____
4. If you can give us no information about him, will you furnish the name of some one who can? _____

Env.

Judge Lewis - says -
Gilbert Pickens lives near Hartshearn,
has had shooting match with the Marshal and is now on
his account.

Department of the Interior
Commission to the Five Civilized Tribes
Ardmore, I.T. October 30, 1902.

Original.

In the matter of the application for enrollment as a citizen
by blood of the Choctaw Nation of Gilbert Pickens.

Gilbert Pickens first duly sworn testified as follows:

Examination by the Commission, partially through Peter
Maytubby.

- Q What is your name? A Gilbert Pickens.
Q How old are you? A I don't know my age.
Q About how old are you? A About twenty-three I guess, I don't know though.
Q You are a little older than that are you not? A I don't know.
Q Are you not about twenty-five? A I guess so.
Q Where is your postoffice address? A McMillan.
Q How long have you lived here in the Chickasaw Nation? A Four years.
Q Lived here continuously for the past four years? A Yes, sir.
Q Been here all the time in the past four years? A Yes, sir.
Q Where did you live before that? A Choctaw Nation, Gains County.
Q Born in Gains County? A Yes, sir.
Q Lived there all of your life up until you came here? A Yes, sir.
Q You have never prior to this time made application to be enrolled?
A He says his uncle was to enroll him but he don't know whether he enrolled him.
Q You yourself have never been before the Dawes Commission? A No, sir; he was never there.
Q What is your father's name? A Thompson Pickens.
Q Is your father living? A No, sir; he was dead long ago.
Q Was he a full blood Choctaw? A Yes, sir.
Q What was your mother's name? A Bessie.
Q She dead? A Yes, sir.
Q She a full blood? A Yes, sir.
Q Mother and father both full blood Choctaws? A Yes, sir.
Q Lived in Gains county in the Choctaw Nation? A Yes, sir.
Q Why is it you have never been before the Commission before? A He did not understand what they was doing.
Q Did you not have some trouble in the Choctaw Nation when the Commission was over there in 1899--three years ago? A No, sir.
Q What is your uncle's name? A Isom Pickens.
Q Was you not before the Commission at Atoka in December 1900? A No sir.
Q Never have up to this time been before the Commission? A No, sir.
Q Where was you living nine years ago when they made the payment? A Gains County.
Q Did you get the hundred and three dollars paid to the Choctaws? A Yes, sir.

#2

- Q Was you living in Gains County in 1896? A Yes, sir; I guess so.
Q What is the reason you left there and came over into this country? A I worked around.

Chickasaw Commissioner R. L. Murray.

- Q Did you not go down there to Oakland about three years ago before the Commission? A No, sir; I did not go anywhere.
Q You was not down there when the Commission was enrolling at Oakland? A No, sir.

By the Commission.

The name of the applicant is found upon the 1896 census roll of the citizens of the Choctaw Nation, Gains County, page 258, number 10166.

- Q Are you married? A Yes, sir.
Q Who is your wife? A Leona Pickens.
Q Is she a white woman? A No, Chickasaw.
Q Has she been enrolled? A Yes, sir.
Q Has she got any children? A Yes, sir.
Q Thunta Pickens' daughter? A Yes, sir.
Q How many children have you? A One.
Q When was that child born? A July.
Q The child has not been enrolled has it? A No, sir.
Q Who was with your wife when this child was born? A Mother.
Q Annie Pickens? A Yes, sir.
Q What is the child's name? A Mina.
Q Never have been outside of the Choctaw-Chickasaw Nations? A No, sir.
Q Never have been away from the Choctaw-Chickasaw Nations? A No, sir.
Q Have lived here all the time? A Yes, sir.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on October 30, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Subscribed and sworn to before me this 29 day of November 1902.

Notary Public.

Choc 5606

Levenia King

(Chectaw original-delinquent.)

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. November 18, 1902.

In the matter of the application of Levenia King for enrollment
as a citizen by blood of the Chectaw Nation.

A. Telle, duly sworn, acting as interpreter:

Levenia King being sworn testified as follows:

Examination by the Commission:

Q What is your name? A Levenia King.
Q How old are you? A Twenty four.
Q What is your post office address? A Legal, I.T. Chectaw Nation.
Q How long has she lived in the Chectaw Nation? A I was born and
raised in the Chectaw Nation.
Q What is the name of her father? A Louie Leflore.
Q Is he living? A Dead.
Q Was he a full blood Chectaw Indian? A About half breed; I don't
know.
Q Well, he had some Chectaw blood? A Yes, about half blood.
Q What's the name of her mother? A Susan Hancock.
Q Is she living? A Dead.
Q Was she a Chectaw Indian? A Yes sir.
Q How much Chectaw blood did she have? A Full blood.
Q Did this woman ever appear before this Commission before and make
application for enrollment as a Chectaw? A No, she has never applied
to the Dawes Commission; she only appeared before the Chectaw Com-
mission when they were making their roll.
Q Has she always been recognized and enrolled as a Chectaw Indian?
A Yes sir.
Q Did she draw any money which was known as the Leased District
payment money in 1893? A Yes sir.
Q Where was she living at that time? A In Sans Bois with her uncle
at that time.
Q What was his name? A Isaac Garland.
Q What name were you going under at that time? A Levenia Leflore.
Q Was she put on the Chectaw tribal rolls in 1896? A She says she
was enrolled but someone else enrolled her.
Q What name was she going under at that time? A Levenia Chubbee.

(The name of the applicant, Levenia Chubbee, is identified on
the 1896 Chectaw Census roll, page 51, No. 2124, as Leuvina Chubbee.)

Q Is this woman married now? A Yes.
Q What is her husband's name? A Charles King.
Q Is he a Chectaw Indian? A Yes.
Q How many children has she got? A Two.
Q What are their names and ages, please? A Susan Lucas.
Q How old is she? A About six years old.

A-L. King

(This child is identified on the 1898 Cheotaw census roll, page 191 No 7708 as Susan Lumbert.)

Q What is the other child's name? A Calvin King.
Q How old is Calvin? A Four years old.

(This child is identified upon the records of the Commission on Cheotaw land Field No. 4953, having been listed for enrollment by the Commission with his father, Charles King.)

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on November 18, 1902 and that the above is a full, true and correct transcript of his notes in same.

Henry G. Hains

Subscribed and sworn to before me this 20 day of November 1902.

H. H. Hinton

Notary Public.

7-1073
7-8806

Muskogee, Indian Territory, December 29, 1902.

Charley King,

Legal, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th inst., enclosing the application for enrollment as a citizen of the Choctaw Nation of Calvin King, infant son of Charles and Lavenia King, born September 10, 1899; and the same being in proper form has been duly filed with the records of the Commission, and the child listed for enrollment as a citizen of the Choctaw Nation.

Respectfully,

Jarno Dixley
Acting Chairman.

7-5506

Muskogee, Indian Territory, May 31, 1906.

Joe A. Edwards,

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 21, 1906, transmitting marriage license and certificate between Whit Hyden and Dora Watts which you offer in support of the application for the enrollment of Henry Wilson Hyden minor son of said Whit and Dora Hyden and the same have been filed with the record in this case.

Respectfully,

James B. Bailey
Commissioner.

7-5606

Muskogee, Indian Territory, February 4, 1903.

J. S. Keener,

Post Master,

Franks, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 27, 1903, in which you state that you have a little Cheate girl seven years old, Susan Lucas, in your family, and have had her since she was three years old; that you have become very much attached to her, and wish to know if you can lawfully adopt the child.

In reply to your letter you are advised that this is a matter that does not come within the jurisdiction of the Commission, and it is therefore impossible to give you any information in the premises.

Respectfully,

James B. Dickey
Acting Chairman.

Choc 5607

Harriet Jacob

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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The record in the matter of the application for the enrollment as a citizen by blood of the Choctaw Nation of--

JOHNSON JACOB ----- 7 D-826.

Chocotaw
Original
DELINQUENT

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, T. T., November 19th, 1902.

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In the matter of the application of Johnson Jacob for enrollment as a citizen by blood of the Chocotaw Nation.

Johnson Jacob being first duly sworn testified as follows through Alington Telle, sworn Chocotaw Interpreter.

Examination by the Commission:

- Q What is your name? A Johnson Jacob.
Q How old are you? A Twenty-eight.
Q What is your post office address? A Atoka.
Q How long have you lived in the Chocotaw Nation? A Born and raised here.
Q Are you a recognized citizen of the Chocotaw Nation?
A Yes sir.
Q Full blood? A Yes sir.
Q What is the name of your father? A Caleb Jacob.
Q Is he living? A Dead.
Q What is the name of your mother? A Seely Jacob.
Q Is she living? A Dead.
Q Have you always been enrolled with the Chocotaw Indians and drawn money when their payments were made? A Yes sir, I drew money.
Q Did you draw what was known as the leased district money?
A Yes sir.
Q Where were you living at that time? A Atoka county.
Q What name did you have then; what name did you go under when you draw that money? A Johnson Jacob.
Q Did you draw it yourself or did somebody draw it for you?
A Draw it myself.
Q Were you put on the 1896 Chocotaw census roll? A I was not; I was not in this country at that time, that is, not in this country where I was known; I was in another part of the Chocotaw Nation.
Q Have you any children? A No sir.

Albert G. McMillan being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, on the 19th day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.
Subscribed and sworn to before me this 20th day of November, 1902.

Albert G. McMillan
Notary Public.

Choctaw
Original
DELINQUENT

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I. T., November 19th, 1902.

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In the matter of the application of Harriet Jacob for enrollment as a citizen by blood of the Choctaw Nation.

Harriet Jacob being first duly sworn testified as follows through Alington Talle, sworn Choctaw Interpreter.

Examination by the Commission:

- Q What is your name? A Harriet Jacob.
Q How old are you? A Going on twenty-three.
Q What is your post office address? A Atoka.
Q How long have you lived in the Choctaw Nation? A All my life.
Q Never lived any place else? A No sir.
Q Are you a recognized citizen of the Choctaw Nation--citizen by blood? A I am a full blood Choctaw Indian.
Q What is the name of your father? A Blindhoe.
Q What was his first name? A That's all I reckon.
Q B l i n d h o e? A Yes sir.
Q Is he dead? A Yes sir.
Q He was a Choctaw? A Yes sir.
Q What was the name of your mother? A Kasey.
Q K a s e y? A Yes sir.
Q Is she dead? A No, she's living.
Q What is her last name? A Homer.
Q Kasey Homer? A Yes sir.
Q She's a Choctaw Indian? A Yes sir.
Q Is she enrolled? A Yes sir.
Q Were you ever before the Commission to be enrolled as a Choctaw Indian--before this Commission? A No, never been before any Commission, not even before the Indian Commission.
Q Did you ever draw any money as a Choctaw Indian? A Yes sir.
Q Did you draw the leased district money? A Yes sir, I drew money at Okfuskee.
Q What name did you have at that time? A Blindhoe.
Q Harriet Blindhoe? A Yes sir.
Q You have always been enrolled with the tribe as a citizen of the Choctaw Nation? A Yes.
Q Have you got any children? A No.
Q What is the name of your present husband; are you married now?
A Yes.
Q What is his name? A Johnson Jacob.
Q He is a Choctaw Indian? A Yes.

Harriet Jacobs-2.

The name of this woman is identified on the 1896 Wisconsin census roll, page 42 No. 1700, Blue county, as Harriet Almond.

Albert G. McMillan being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 19th day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 20 day of November, 1902.

H. Risteen

Notary Public.

Nation, United Kingdom, and the
 have been placed under the
 control of the United Kingdom
 Government.

I have been thinking of you very much lately, and wondering how you are getting on. I hope you are well and happy. I have been very busy lately, but I will try to write to you more often. I have been thinking of you very much lately, and wondering how you are getting on. I hope you are well and happy. I have been very busy lately, but I will try to write to you more often.

TO THE EDITOR OF THE NEW YORK TIMES

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

18. I am a member of the following organizations:

1. TRIBAL

THE UNIVERSITY OF CHICAGO

CHINESE

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FILED

FILED

JAN - 4 1964

CHAIRMAN.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

INDIAN TERRITORY

CENTRAL DISTRICT. I Johnson Jacobs, being first duly sworn deposes and say that I am 30 years old and a citizen by blood of the Choctaw Nation, that my Mothers name is Sillie Jacob, that my Fathers name is Kalip Jacob, that I at one time was known by the name of Thomas Harrison; that I drew the Lease District money in 1893 at Atoka under the name of Johnson Jacobs; that I drew it my self; that I appeared before the Dawes Commission at Alichl and registered as Thomas Harrison; that I have lived in Atoka County, ever since 1893, that my wifes name was Harriet Belinche .

Your petitioner therefore asks that his name be ploaed upon the rolls as a citizen by blood of the Choctaw Nation Indian Territory, and for such other and further relief as justice may require.

Johnson Jacobs

Subscribed and sworn to before me this the 30th day of December, 1903.

E. Newman

DEPT. OF THE INTERIOR
COMMISSION TO THE
FEDERAL BUREAU OF INVESTIGATION

FEB 3 1904

CHAIRMAN

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes.

INDIAN TERRITORY,)
CENTRAL DISTRICT.)

Johnson Jacob being first duly sworn deposes and says that he was married at the time of appearing for enrollment before the Dawes Commission at Alichi, Indian Territory; that his wife was the widow of Hayakon ubbe; that he believes he gave her name as Susan Cooper; that he enrolled the following persons at Alichi Jones Hayakonubbe, Sissie Hayakonubbe and Colbert Hayakonabbe. Affiant further says that Austin Jacob, Choctaw citizen, is an uncle to him and that he is now married to Harriet Belinohi.

Subscribed in my presence and sworn to before me this 1 day
of February, 1904.

Johnson Jacob
E. Newman

Notary Public.

Department of the Interior,
Commission to the Five
Civilized Tribes.

-:-

In the matter of the Marshall-
Lort of
Johnson Jacob.

NOTARY

BEFORE ME, the undersigned authority,
Commissioner of the Superior Court of the State of New Jersey,

FILED

FILED

CHAPMAN

NOTARY PUBLIC

82826

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes.

In the matter of the Enrollment of Johnson Jacobs.

INDIAN TERRITORY,)
CENTRAL DISTRICT.)

I, Austen Jacobs, being first duly sworn depose and say that I am 57 years of age and a citizen by blood of the Choctaw Nation, Indian Territory; that I am a brother of Kalip Jacobs, who was a citizen by blood of the Choctaw Nation, Indian Territory, and that Johnson Jacobs is the son of Kalip and Sillie Jacobs, who are citizens by blood of the Choctaw Nation, Indian Territory.

Austen Jacobs

Subscribed in my presence and sworn to before me this 4th day of February, 1904.

E. H. Newman

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
CHOCTAW LAND OFFICE.

Atoka, Indian Territory, July 26, 1905.

In the matter of the enrollment of Thomas Harrison,
Choctaw by blood, Field Card No. 1370, Approved Roll No.
3754.

JOHNSON JACOB, being duly sworn, testified as follows:

Examination by the Commissioner.

- Q What is your name? A Johnson Jacob.
Q What is your postoffice address? A Atoka.
Q How old are you? A Thirty-one.
Q What is the name of your father? A Caleb Jacob.
Q What is the name of your mother? A Sealy Jacob.
Q Was your father ever called Caleb Jackson? A No, I don't know
whether he was or not.
Q Are you a citizen by blood of the Choctaw Nation? A Yes sir.
Q What is the name of your wife? A Harriet Jacob.
Q Do you know what her father's name was? A Blinchee.
Q Do you know the name of her mother? A Kasey Homer.

The name of Johnson Jacob appears on Choctaw Field
Card No. 5607, Approved Roll No. 15508.

- Q Were you ever known by any other name than Johnson Jacob?
A No sir, excepting Thomas Harrison, that is all.
Q You are also known as Thomas Harrison? A No, not now, but
down in Eagle County my name was Thomas Harrison.
Q Did you use to live at or near Eagletown? A Yes sir.
Q When did you live near Eagletown? A 1898 I believe.
Q Was you living there in the month of May, 1899? A Yes sir.
Q Were you married before you married your present wife, Harriet
Jacob? A Yes sir.
Q What was your first wife's name? A Susan Cooper.
Q What was the name of her father? A Abel Cooper.
Q Do you know the name of her mother? A No, I don't know.
Q Was your father ever called Caleb Harrison? A No sir.
Q Was your mother ever called Sealy Harrison? A No sir.
Q Were you ever known by the name of Thomas McGee? A Yes sir.
Q When were you known as Thomas McGee? A I was raised down here
at my Grand-ma's.
Q Did she call you Thomas McGee? A Yes sir.
Q What was your Grand-mother's name? A Sallie Cherry.
Q Is Susan Cooper now dead? A Yes sir.
Q And after she died you married Harriet Blinchee? A Yes sir.
Q Your name is now Johnson Jacob? A Yes sir.
Q In May 1899, when you lived in Eagle County near Eagletown, you
were going by the name of Thomas Harrison? A Yes sir.

(2)

The name of Thomas Harrison appears on Choctaw Field Card No. 1370, Approved Roll No. 3754.

-----oOo-----

I, Charles Bozarth, stenographer to the Commissioner to the Five Civilized Tribes, on oath state that the above and foregoing is a full, true and correct translation of my stenographic notes as taken in said cause on said date.

Charles Bozarth

Subscribed and sworn to before me this 27th day of July, 1905.

W. F. Angell

Notary Public.

Emm R.
B. H. W.

7 D-826.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----:::-----

In the matter of the application for the enrollment of
Johnson Jacob as a citizen by blood of the Choctaw Nation.

- D E C I S I O N -

It appears from the record herein that Johnson Jacob appeared before the Commission at Atoka, Indian Territory, on November 19, 1902, and made original application for his enrollment as a citizen by blood of the Choctaw Nation.

On an examination of the Tribal Rolls of the Choctaw Nation, in the possession of the Commission, the name of the applicant, Johnson Jacob, is identified on the 1885 Choctaw Census Roll, Atoka County, number 338, and is identified (as Johnston Jacob) on the 1893 Choctaw Leased District Payment Roll, Atoka County, number 639.

It further appears from the evidence herein that the applicant was a resident in good faith of the Choctaw Nation on June 28, 1898.

It is, therefore, the opinion of this Commission that Johnson Jacob should be enrolled as a citizen by blood of the Choctaw Nation, under the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Chairman.


Commissioner.


Commissioner.


Commissioner.

Muskogee, Indian Territory,
MAR 15 1904

7-D-826
~~7-D-826~~

Muskogee, Indian Territory, January 4, 1904.

Johnson Jacob,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your affidavit in which it is stated you are 30 years of age, a citizen by blood of the Choctaw Nation, that you are the son of Kalip and Sillie Jacob and that you drew the 1893 Leased District money at Atoka, Indian Territory.

It is stated further in your affidavit that you appeared before the Dawes Commission at Alikchi, Indian Territory, where you were registered under the name of Thomas Harrison; that you have lived in Atoka County ever since 1893 and that your wife's name was Harriet Belinche.

Your affidavit has been duly filed with the records of the Commission in the matter of your application for enrollment as a citizen by blood of the Choctaw Nation.

Referring to that portion of your affidavit wherein you state that you appeared before the Commission at Alikchi and was listed for enrollment as Thomas Harrison, you are requested to state if at that time you were married, and if so, the name of your

J J R

wife; state also whether you made application at Alikehi, Indian Territory, for the enrollment of any other persons and if so, their names and ages.

Please give this matter prompt attention.

Respectfully,

Chairman.

7-D-826

Washago, Indian Territory, February 3, 1904.

J. M. Washago,

Attorney at Law,

Atoka, Indian Territory

Dear Sir:

Receipt is hereby acknowledged of the affidavit of Johnson Jacob, relative to his appearance before the Commission at Alikchi, Indian Territory, also the name of his former wife and the name of his present wife, and the same has been duly filed with the records of the Commission in the matter of the application for enrollment of Johnson Jacob, as a citizen by blood of the Cherokee Nation.

Respectfully,

Commissioner in Charge.

7-3-326

Waukegon, Indian Territory, February 20, 1904.

J. M. Humphreys,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavit of Anston Jacob, in support of the application for enrollment of Johnson Jacob as a citizen by blood of the Cheateau Nation, and the same has been duly filed with our records in said case.

Respectfully,

Commissioner in Charge.

Choctaw D-826.

COPY.

Muskogee, Indian Territory, March 28, 1904.

Johnson Jacob,

Atoka Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered March 15, 1904, granting your application for enrollment as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations, have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice in which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered

Enc. Choctaw D- 826.

Chectaw D-826

COPY:

Muskogee, Indian Territory, March 25, 1904.

J. M. Humphreys,
Attorney at Law,
Atoka, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision granting the application of Johnson Jacob for enrollment as a citizen by blood of the Chectaw Nation.

The attorneys for the Chectaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice in which to file protest against the action of the Commission in enrolling said Johnson Jacob as a citizen of the Chectaw Nation. If at the expiration of that time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Chectaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

W. B. Needles

W. B. Needles.

Commissioner in Charge.

Registered.

COPY.

Choctaw 7-D-826

Muskogee, Indian Territory, March 28, 1904.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered March 15, 1904, granting the application of Johnson Jacob for enrollment as a citizen by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Choctaw Nation. If, at the expiration of that time, no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.
Enc: 7-D-826.

Choctaw D 826

Muskogee, Indian Territory, April 8, 1904.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of April 1, asking if the Commission has received an application for the enrollment of Johnson Jacob as a citizen by blood of the Choctaw Nation, and if so, what action has been taken therein.

In reply you are advised that on March 15, 1904, the commission rendered its decision granting the application of Johnson Jacob for enrollment as a citizen by blood of the Choctaw Nation and on March 28, copy of the same was forwarded you by registered mail.

Respectfully,

Commissioner in Charge.

Washington, Indian Territory, August 26, 1905.

The Honorable,

The Secretary of the Interior,

Sir,

On October 9, 1902, the Commission to the Five Civilized Tribes transmitted for Departmental consideration a schedule constituting part of the final roll of citizens by blood of the Chectaw Nation Nos. 2024 to 4000, inclusive, copies of which have been heretofore returned approved by the Secretary of the Interior, December 12, 1902.

Referring to the name of Thomas Harrison which appears thereon opposite No. 2754, I have the honor to report that the enrollment of this citizen is erroneous and should be cancelled.

On July 26, 1905, Johnson Jacob, approved roll of citizens by blood of the Chectaw Nation, No. 18008 appeared at the Chectaw Land Office and from his testimony at that time it developed that he is identical with Thomas Harrison, No. 2754 upon the schedule above referred to.

For the information of the Department copy of the testimony of Johnson Jacob of July 26, 1905, is herewith inclosed.

Inasmuch as allotment has already been selected for Johnson Jacob, approved roll of citizens by blood of the Choctaw Nation No. 15806, I have the honor to recommend that the enrollment of Thomas Harrison at No. 3734 upon the approved roll of citizens by blood of the Choctaw Nation be cancelled upon the copies of the schedule and letters of transmittal in the Department and the Indian Office and that this office be authorized to cancel his enrollment upon the copies of the schedule and letters of transmittal in its possession.

Respectfully,

7-1370

Commissioner,

Through the
Commissioner of Indian Affairs.

Muskogee, Indian Territory, August 26, 1905.

Chief Clerk,
Choctaw Land Office,
Atoka, Indian Territory.

Dear Sir:

For the information of your office there is inclosed herewith copy of letter this day addressed to the Secretary of the Interior recommending the cancellation of the enrollment of Harriet Williams at No. 9977 upon the approved roll of citizens by blood of the Choctaw Nation.

Your office is therefore directed to withhold the issuance of citizenship certificate for making of allotment to this citizen until otherwise further directed.

Respectfully

Commissioner.

EE 3-26

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS/
WASHINGTON.

LAND.
69733-1905.

COPY

September 18, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report from Commissioner Bixby, dated August 28, 1905, referring to the name of Harriet Williams, which appears opposite No. 9977 upon a ~~list~~ schedule constituting part of the final roll of citizens by blood of the Choctaw Nation, Nos. 8990 to 9997, inclusive, which was transmitted by the Commission to the Five Civilized Tribes, January 9, 1903, for Departmental consideration, copies of which have been heretofore returned approved by the Department, February 4, 1903.

The Commissioner states that the enrollment of Harriet Williams is erroneous and should be cancelled; that on July 26, 1905, Harriet Jacob, No. 13470, approved roll of citizens by blood of the Choctaw Nation, and her husband, John Jacob, No. 15508, approved roll of citizens by blood of the Choctaw Nation appeared at the Choctaw Land Office, and from their testimony at that time it developed that Harriet Williams opposite No. 9977 is identical with Harriet Jacob opposite No. 13470.

(2)

The Commissioner states that "Inasmuch as selection of allotment has been made in the name of Harriet Jacob, I have the honor to recommend the cancellation of the allotment of Harriet Williams at No. 9977 upon the schedules of citizens by blood of the Choctaw Nation, and the letters of transmittal in the Department and in the Indian Office, and that this office be authorized to cancel her enrollment upon the schedules and letters of transmittal in its possession."

As it appears from a copy of the testimony of Harriet Jacob and Johnson Jacob, in the matter of the enrollment of Harriet Williams, which is enclosed herewith, that Harriet Jacob and Harriet Williams are one and the same person, and that a selection of allotment has been made in the name of Harriet Jacob, the recommendation of Commissioner Bixby is concurred in. It is therefore recommended that he be authorized to make the cancellation upon the schedules and letters of transmittal in his possession.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

CTC
LC..

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

W.C.F
LLB

D.C. 45364-1905.
I.T.D. 12220-1905.

September 25, 1905.

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Department is in receipt of your letter of August 26, 1905, requesting authority to cancel from the roll of citizens by blood of the Choctaw Nation, opposite No. 9977, the name of Harriet Williams, also to cancel the allotment of said Harriet Williams.

It appears from the evidence submitted by you that said Harriet Williams is identical with Harriet Jacob, opposite No. 12470, upon the approved roll of citizens by blood of the Choctaw Nation, and that a selection of allotment has been made in the name of Harriet Jacob.

Reporting September 18, 1905, the Indian Office recommended that your request be granted. A copy of its letter is inclosed.

The Department concurs in said recommendation. The name of the said Harriet Williams has been cancelled from the roll of citizens by blood of the Choctaw Nation in this office and the Commissioner of Indian Affairs has been authorized to make said cancellation upon the roll in his office, and you are

-2-

authorized to cancel the name from the roll in your possession.
You are also authorized to cancel the allotment of said Harriet
Williams.

Respectfully,

1 inclosure.

THOS. RYAN,
Acting Secretary.

C B P Y .

W.C.F.

LLB

D.C.No.45441-1905.

I.T.D.12334-1905.
L.R.S.

DEPARTMENT OF THE INTERIOR,
Washington, September 27, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Department is in receipt of your letter of August 26, 1905, requesting authority to cancel the name of Thomas Harrison at No. 3754 upon the approved roll of citizens by blood of the Choctaw Nation.

It appears from the testimony submitted by you that said Thomas Harrison is identical with Johnson Jacob, whose name appears on the approved roll of citizens by blood of the Choctaw Nation, at No. 15508.

You state that allotment has already been selected for said Johnson Jacob.

Reporting September 19, 1905, the Indian Office recommends that your request be granted. A copy of his letter is enclosed.

The Department concurs in said recommendation. The name of Thomas Harrison has this day been cancelled from the approved roll in this office and the Indian Office has been authorized to make said cancellation on the roll in its possession, and you are authorized to cancel said name upon the roll in your possession.

Respectfully,

(Signed) Thos. Ryan,
Acting Secretary.

1 inclosure.

C O P Y .

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.

Washington, September 19, 1905.

Land 69732.1905.

Copy.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to transmit report of Commissioner Bixby, dated August 26, 1905, referring to the name of Thomas Harrison, which appears opposite No. 3754, upon a schedule constituting part of the final roll of citizens by blood of the Choctaw Nation, Nos. 3024 to 4000, inclusive, which was transmitted by the Commission to the Five Civilized Tribes October 9, 1902, for Departmental consideration, and copies of which have been heretofore returned approved by the Department December 12, 1902.

The Commissioner states that the enrollment of Thomas Harrison is erroneous and should be cancelled; that on July 26, 1905, Johnson Jacob, No. 15508, approved roll of citizens by blood, of the Choctaw Nation, appears at the Choctaw Land Office, and from his testimony at that time it developed that he was identical with Thomas Harrison, No. 3754 upon the schedule above referred to. The Commissioner states that "inasmuch as allotment has already been selected for Johnson Jacob, approved roll of citizens by blood of the Choctaw Nation, No. 15508, I have the honor to recommend that the enrollment of Thomas Harrison, at No. 3754 upon the approved roll of citizens by blood of the Choctaw Nation, be cancelled upon the copies of the schedule and letters of transmittal in the Department and the Indian Office, and that this office be authorized to cancel his enrollment upon the copies of the schedule and letters of transmittal in its possession.

From the testimony of Johnson Jacob of July 26, 1905, in the matter of the enrollment of Thomas Harrison, Choctaw by blood, a copy of which is enclosed herewith, it appears that Johnson Jacob and Thomas Harrison are one and the same person and inasmuch as selection of allotment has already been made for Johnson Jacob, the recommendation of the Commissioner is concurred in. It is further recommended that he be authorized to cancel the enrollment of Thomas Harrison upon the copies

of the schedule and letters of transmittal in his possession.
Very respectfully,

C. F. Larabee,
Acting Commissioner.

C. F. G.
LC.

Entered:

Department of the Interior.
Received Sep 28 1905.
Enc. No. 1, of No. 12334.
Indian Territory Division.

Chectaw 8607

Muskogee, Indian Territory, October 8, 1905.

Chief Clark,

Chectaw Land Office,

Atoka, Indian Territory,

Dear Sir:

For your information there is inclosed herewith copy of Departmental letter of September 27, 1905, (I T D 12334-1905) authorizing the cancellation of the name of Thomas Harrison from the approved roll of citizens by blood of the Chectaw Nation at Number 3754.

You will therefore cancel the name of this citizen at Number 3754 from the schedules of citizens by blood of the Chectaw Nation and letters of transmittal in the possession of your office.

Respectfully,

AL 2-6

Commissioner.

Choctaw 5607

Muskogee, Indian Territory, October 9, 1905.

Chief Clerk,

Choctaw Land Office,

Atoka, Indian Territory,

Dear Sir:

For your information there is inclosed herewith copy of Departmental letter of September 25, 1905, (I T D 12230-1905) authorizing the cancellation of the enrollment of Harriet Williams, at Number 9977 upon the approved roll of citizens by blood of the Choctaw Nation.

You will therefore cancel the enrollment of this citizen at Number 9977 upon the schedules of citizens by blood of the Choctaw Nation and letters of transmittal in your office. No allotment having been made to this citizen, the same cannot be cancelled.

Respectfully,

Commissioner.

AB 1-9

MEMORANDA.

(Date) August 1899.

Name

Choctaw ? County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Mother's citizenship

Intermarried citizen ?

Married under what law ?

License filed this day,

19 Wife's name,

Choctaw ? County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Mother's citizenship

Intermarried citizen ?

Married under what law ?

License filed this day

Names of children:

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

..... County Year Page No.

16 pages H.S. 76-73 PP 13 line 2
is married Belinichan

3507

Choc 5608

Lucy Bohannon

2008

Original Choc. Del.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, I.T. November 18, 1902.

In the matter of the application of Lucy Bohannan for enrollment as a citizen by blood of the Choctaw Nation.

Lucy Bohannan being duly sworn, through Peter Maytubby sworn interpreter, testified as follows:

Examination by the Commission:

- Q What is your name? A Lucy Bohannan.
Q What is your age? A She don't know; about 70 she reckons.
Q What is your post office address? A Legal, Indian Territory.
Q How long has she lived in the Choctaw Nation? A Born in this Nation; been here all her life.
Q What is the name of her father? A Charles King.
Q Is he dead? A Yes sir.
Q Was he a Choctaw Indian? A Yes sir.
Q Full blood? A Yes sir.
Q What was the name of her mother? A Wiley King.
Q Is she dead? A Yes sir.
Q Was she a Choctaw Indian - full blood? A Yes sir.
Q Has this woman always been recognized as a citizen of the Choctaw Nation? A Yes sir.
Q Did she draw money in 1893 -- what was known as the Leased District payment money? A Yes sir.
Q Where was she living at that time? A Sans Bois.
Q What name did she have at that time? A Lucy Shoat; I have had the names of Middle, Bohannan and Shoat.
Q Was she enrolled in 1896 on the 1896 census roll? A Yes; was Lucy Bohannan at that time.
Q Has she any children? A Yes, they are all dead.
Q Just herself she wants to enroll? A Yes; no one else.

(This woman is identified on the 1896 Choctaw census roll, page 17, No. 651, as Lucy Bohannan.)

Henry G. Haim being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above proceedings on the 18th day of November, 1902, and that this is a full, true and correct transcript of his stenographic notes in regard to the same.

Subscribed and sworn to before me this 20 day of November, 1902.

Henry G. Haim
Notary Public

Choc 5609

Whit W. Hyden

Granted

No. 9 Granted Oct. 1, 1906

Oct 20, 1906 Record Forwarded

Dept

Nov 17, 1906 Affirmed by Dept

Martha Hyden record transferred
from Choc # 5182 Oct 16-06

Oct 1, 1906 Decision rendered
unrolling Eva Marguerite Hyden
+ Oct 20, 1906 Record Forwarded
Dept.

Nov 17, 1906 Affirmed decision
of Oct 20, 1906

5609

An Act Admitting Whit W. Hyden and his Children to
Citizenship.

Sec.I

Be enacted by the General Council of the Choctaw
Nation assembled:

That Whit W. Hyden and his children Frank Hyden aged
25 Maud Hyden aged 23 Leonard Hyden aged 16 Ida Hyden aged
14 Whit Hyden 12 Ella Hyden aged 10 Cleveland Hyden aged
7 Bengeman Hyden aged 5 and Ruth Hyden aged 3 be admitted
to all the rights and priveleges of citizens of the
Choctaw Nation.

And this act take effect and be in force from and
after its passage.

Approved October 31st,, 1895.

Jeff Gardner,

P.C.C.N.

This is to certify that the foregoing is a true and
correct from the original Act of the General Council of the
Choctaw Nation, now on file in my office, at Tushka Humma,
the Capitol of the Choctaw Nation.

Witness my hand and the Great Seal of the Choctaw
Nation, this the 1st,, day of November, A.D. 1895.

J.B.Jackson

National Secretary
Choctaw Nation.

.....
* THE GREAT SEAL *
* * *
* OF THE *
* * *
* CHOCTAW NATION. *
.....

Endorsed: "Filed in my office this the 25th day of
Jan'y.1896. L.C.BURRIS,Nat'l.Sec'y., C.N."

Copy

Indian Territory.

Southern District .

I, J. B. Thompson, Notary Public in and for the Southern District of the Indian Territory, do hereby certify that the foregoing deposition of Nancy D. Hyden were taken before me, and were read to and subscribed by her in my presence at the time and place and in the action mentioned in the caption, the said Nancy D. Hyden having first been sworn by me that the evidence she should give in the action should be the truth, the whole truth and nothing but the truth, and her statements reduced to writing by me in her presence, no one being present at the examination but herself.

Given under my hand this February 25th 1899

J. B. Thompson

Seal.

Notary public.

Cops of
Act of ~~Charter~~
Admitting Whit W.
Hadden, his family

COMMISSION TO THE FIVE

1717-1718
OCT 20 1862

United States of America,
Indian Territory,
Southern District.

WE G. Durrett AND Phil Barrett AND

....., after being duly sworn, upon
oath do solemnly swear:

That we have compared the above copy of the Act of the
General Council of the Choctaw Nation, admitting Whit W.
Hyden and his family to citizenship in said Nation, ap-
proved October 31, 1895, with the original certified copy
of said Act from which the same was copied, and that the
same is a literal copy thereof in every particular.

G. Durrett
Phil Barrett

SUBSCRIBED and sworn to before me, this the 22nd day of
April, A.D. 1902.

Notary Public.

My commission expires December 17, 1905.

Copy

Choctaw nation,

W. W. Hyden, et al.

To the Hon. Green McCurtain, Governor of the Choctaw Nation:

You are hereby notified that the depositions of Mrs. H. J. Hyden will be taken at her home at Mages, Indian Territory on the 25 day of February 1899 before some officer authorized by law to take depositions, and said depositions when so taken will be returned to the Hon. Tamm Bixby, Chairman of the Census Commission, and will be offered on the part of defendants on the trial of this cause in which the Choctaw Nation is endeavoring to strike the names of Whit W. Hyden and others off of the rolls of citizenship of the Choctaw Nation.

(Signed) Ledbetter & Bledsoe.
Attys. for Defts.

I, Henry Willis, being duly sworn on oath state that I delivered a copy of the foregoing notice to the Hon. Green McCurtain, Governor of the Choctaw Nation at Muskogee, I. T. on the 16 day of February 1899.

Seal

his
Henry W. Willis
mark.

Subscribed and sworn to before me this
18 day of February 1899

Sam E. Robert Jr.
Notary Public

My commission expires
May 25, 1900

(Ten cents in revenue stamps attached)

Whit W. Hayden-2

to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled case, heard at Pauls Valley, Indian Territory, October 24, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 7 day of November, 1902.

C. J. Stephens
Notary Public.

Copy

W. W. Hyden, et al

Choctaw Nation.

The depositions of Nancey D. Hyden taken on the 25th day of February, 1899 at the Residence of Nancy D. Hyden in the town of McGee, Indian Territory in the Southern District, to be read in evidence on behalf of plaintiffs in an action between W. W. Hyden, et al, plaintiffs and the Choctaw Nation, defendant pending before the Dawes Commission.

Seal

Copy

My name is Nancy D. Hyden, my age is 82 years; I am the widow of Samuel Hyden, now deceased, my husband died in September, 1880. He and I were married December 25th 1842, my name before I married Samuel Hyden was Nancy D. Lockheart. Whit W. Hyden is a son of Samuel Hyden and myself. I knew the parents of Samuel Hyden. Knew them well, knew them from the time I was a little girl about 8 years old till the time of their death; Their names were John Hyden and Elizabeth Hyden. I knew them intimately, they being my father and mother-in-law. I lived with them and around them for a great number of years, about 20 years. Elizabeth Hyden the mother of my husband Samuel Hyden before her marriage with John Hyden was Elizabeth Brashears.

Elizabeth Brashears father's name was Turner Brashears and her mother's name was Nancy Brashears. They were from Pontotoc County Mississippi. I first knew Elizabeth Hyden about 1825 and lived with them and near them till about 1845.

seal I knew the two brothers and a sister of Elizabeth Hyden one of the brothers name was Martin Brashears and one John Brashears. John Brashears was called "Lightfoot Jock" and her sister was named Dicy Brashears. The two brothers looked very much like Indians their hair was very dark and very coarse and their skin was very dark. The Brashears were known as Indians. Elizabeth Brashears afterwards Elizabeth Hyden and her sister and two brothers were considered Indians and passed as Indians all the time I knew them. The people I knew during the time I knew the Brashears and Elizabeth Hyden are all dead or moved out of the Country.

I know this for the reason that I applied for a pension in 1890 and could find none of them then. It was the understanding that the Brashears were Choctaw Indians by blood. Elizabeth

Hyden and John Hyden lived together as husband and wife during
all the time I knew them and I married their son Samuel Hyden.

Her
Samuel Hyden
mark

Witness to mark

J. B. Thompson

Edie Hood

Willie Hayes

Seal

REGISTRY RETURN RECEIPT.

Form. No.1548.

Received from the post master at McGee, I.T.

Registered letter
parcel No.2762, from Muskogee, Ind.Ter. addressed to
Whit W. Hyden, Date 3/3/1902.

7-5809

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--1--

I, Tams Bixby, Chairman of the Commission to the Five Civilized Tribes, do hereby certify that Whit W. Hyden, Leonard H. Hyden, Ida Mitchell Hyden, Whit Hyden, Ella Hyden, Cleveland Hyden, Benjamin Hyden, and Ruth Hyden, have been enrolled by the Commission as citizens by blood of the Choctaw Nation, and their enrollment as such approved by the Secretary of the Interior, March 19, 1903, their names appearing upon the final rolls of the citizens by blood of the Choctaw Nation, opposite Nos. 14149 to 14156, inclusive, respectively.

In testimony whereof I have hereunto set my hand at Muskogee, Indian Territory, this 10th day of June, 1904.

Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

I, Tans Bixby, Chairman of the Commission to the Five Civilized Tribes, do hereby certify that the names of Martha Hyden and Georgie Hyden are found on the 1896 census roll of the Choctaw Nation, Chickasaw District, as intermarried citizens, opposite Numbers 14665 and 14666 respectively, and that the name of Emile Hyden appears upon the 1896 census roll of citizens of the Choctaw Nation, Chickasaw District, as a citizen by blood, opposite Number 6155 thereon.

In Testimony Whereof, I have hereunto set my hand at Muskogee, this June 23, 1905.

Chairman.

D. 1A

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----10:-----

**In the matter of the application of W. W. Hyden for
enrollment as a citizen of the Choctaw Nation.**

-----10:-----

Honors. Ledbetter & Mednes, Attorneys for the applicant.

-----10:-----

Admore, Indian Territory, November 26th, A. D., 1898.

-----10:-----

**A. Nichols, being duly sworn by Commissioner T. B. Needles, on
his oath, testified on behalf of the applicant as follows:**

Direct Examination by Mr. Mednes:

- Q Mr. Nichols, are you a citizen of the Chickasaw Nation?**
A By marriage.
Q How long have you been residing in the Chickasaw Nation?
A In this Nation here?
**Q You sir, Chickasaw and Choctaw Nation? A. About forty-two
years, - forty-three years.**
Q Where were you born? A. Born in Alabama.
Q How old are you now? A. Been to seventy-three years old.
Q Did you ever live in Pontotoc County, Mississippi? A. No sir.
**Q Did you ever live in Mississippi, in any part of the Choctaw
Nation? A. In Tishomingo County, Mississippi.**
Q Tishomingo County, Mississippi? A. Yes sir.

Q In what year? A. Thirty-seven and thirty-eight I believe, may be longer. That is about the time I went there.

Q About the time you went there? A. Yes sir.

Q At the time did you ever know a party there by the name of Turner Bruckner? A. Yes sir, I know two or three parties, Turner, Walker, Porter and Rudolph Bruckner.

Q Were they brothers? A. Turner and Walker were.

Q What nationality was Turner Bruckner? A. He was Choctaw.

Q Did you know Turner Bruckner's wife? A. Yes sir.

Q Did you know what nationality she was? A. I think she was Choctaw.

Q Was she recognized as a Choctaw Indian at that time? A. Yes sir, half breed.

Q Did you know any of the children of Turner Bruckner? A. Yes sir.

Q What was his wife's name, do you remember? A. I don't recollect what his wife's name was now. I have played with his children a many a time when I was a young fellow.

Q Give the name of some of the children, Mr. Nicholas? A. I recollect Ellen Bruckner was the oldest daughter, I think, as well as I recollect. I don't recollect exactly the other children.

Q Do you know the Elizabeth Bruckner married? A. No sir, I don't.

Q Do you know that she did marry? A. Only by hearsay.

Q Hearsay at that time? A. Yes sir.

Q Who did you hear at that time she married? A. I heard she married a Nyon.

Q A man by the name of Nyon. Were you so situated that you were with the Bruckner family a good deal? A. Yes sir, I can tell you the circumstances.

Q Go ahead and state the circumstances? A. When we went into that country my father established a trading house, provisions and supplies and one thing another, and they used to come to our house often there. Turner and Walker used to do most of our hauling from Tennessee on the Tennessee River, hauled the supplies out there. I remember another circumstance, they were the first Indians I ever saw work even in harness; they were driven just like you would a six mile team.

Q Were you at the Georgia Legislature in 1890 when White V. Hyden's application for citizenship was passed upon by the Citizenship Committee in Council? A. Yes sir, I was there during the whole Council.

Q Did you hear any charges of fraud then or thereafter made with reference to Mr. Hyden getting through his application for citizenship? A. No sir, I never did.

Q Were you present when the testimony was given? A. Yes sir, I was in the committee room most of the time.

(By Mr. T. T. T. T.) Do you wish to ask him any questions, Mr. T. T. T.?

(By Mr. T. T. T.) No sir. I was attorney in the case. I was the regular attorney in the case.

(By Mr. T. T. T.) You might ask him some questions that you think would draw out the truth.

Q (By Mr. A. T. T.) I will ask you if you were a witness in that case? A. Yes sir.

Q Do you know what other witnesses were in the case? A. Why, yes, I know.

Q I will ask you if Judge Joe Everett was a witness in the case? A. Yes sir.

Q I will ask you just a general question, if the witnesses pre-

out on that occasion were reputable citizens? A. Yes sir, I think so.

Q And worthy of belief? A. Yes sir. I think Joe Edwards is a man that stands as high as anybody in the Cherokee Nation.

Q I will ask you if you heard of any fraud in admitting him to citizenship? A. No sir, I was standing right by the Governor when he approved it. He received the bill from the Sargeant there and approved it. Just as soon as he read it over he stepped to the desk and approved it.

Q I will ask you if you know of any ground of fraud that could have been perpetrated? A. I didn't see any. I don't see how it could have been either, I didn't see any or hear of any. At that time I knew nearly every member of the Legislature that was there, and everybody-else nearly.

By Mr. Dixby:

Q You don't know then whether any members of the Legislature were paid for the passage of this bill? A. No sir.

Q Would you have known if there had been? A. It seems I would, I was right there and personally acquainted with them. I was in the committee room all the time.

Q If any of them had received money they probably would have told you, wouldn't they? A. I think so. We had been together a long time and Uncle Joe Edwards used to live with me.

Q Is your evidence on the other points as reliable as it is on this point? A. Yes sir, I think so.

By Mr. Haddock:

Q What official position did Joe Edwards occupy down there?

A Supreme Judge.

Q Do you know how long he was Supreme Judge? A. I think about

twenty-seven years. I know he was when I was at Armstrong Academy. I know he used to come there and hold Court.

(By Mr. Tell) I said that I was attorney in the case, I just simply prepared the papers, I was not in the committee room when they conducted the examination.

(By Mr. Weston) That is the only witness we have here. How often will the Commission continue the case, to?

(By Mr. Dixey) It is a Chester case and we cannot fix the time.

(By Gen'l. A. S. McManis) I think we had better leave the matter open.

(By Mr. Dixey) Third Monday in March at North McAlester.

(By Mr. A. Tell) How long will that term hold there?

(By Mr. Dixey) Probably until the 15th of April.

Choctaw D-16.

Muskogee, Indian Territory, February 25, 1902

Whit W. Hyden,

McGee, Indian Territory.

Dear Sir:

You are hereby notified that your application for the enrollment of yourself, your wife, Martha Hyden, and your minor children, Leonard, Ida, Whit, Ella, Cleveland, Benjamin and Ruth Hyden, as citizens of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 1st day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

T. B. Needles.

Register.

Commissioner of the Five Civilized Tribes.

REGISTRY RETURN RECEIPT.

Form No. 1946

Received from Mrs. Sue L. [illegible] at _____

Registered letter No. 2782 from Muskogee, Ind. Ter.
(Name of State.)

Mailed to [illegible] W. Hyden
(Name of Addressee)

Date May 2

[Signature]

Post Office _____

City _____

State _____

Country _____

Remarks _____

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 1, 1902.

Whit W. Hyden, et al.,
vs.
The Choctaw Nation.
D-16.

In the matter of the application of Whit W. Hyden for the enrollment of himself and his seven minor children, Leonard Hyden, Ida Hyden, Whit Hyden, Ella Hyden, Cleveland Hyden, Benjamin Hyden, and Ruth Hyden as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Martha Hyden, as a citizen by intermarriage of the Choctaw Nation.

APPEARANCES:-

S. T. Bledsoe, attorney : No appearance on behalf of the
for the applicant. : Choctaw and Chickasaw Nations.

By Attorney:

The applicant asks leave for more time within which to file a certified copy of the act of admission of the Choctaw Council, admitting these applicants as citizens of the Choctaw Nation, the applicants being under the impression that the same was on file in this case.

By the Commission:

Permission is given until the 1st day of May, 1902, in which to file such certified copy of said act.

(2).

By Attorney:

We make reference to the Choctaw Census Roll of 1896, the roll being in the possession of the Commission, as I understand it.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on the 1st day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 2 day of April, 1902.

Clara Mitchell

Notary Public.

7-D-15

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Pauls Valley, Indian Territory, October 24, 1902.

In the matter of the application for enrollment of Whit W. Hayden and his seven minor children, Leonard, Ida, Whit, Ella, Cleveland, Benjamin and Ruth Hayden, as citizens by blood of the Choctaw Nation and for the enrollment of his wife, Martha Hayden, as a citizen by intermarriage of the Choctaw Nation.

Said Whit W. Hayden, being first duly sworn, testified as follows:


Examination by the Commission.

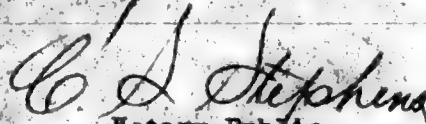
Q What is your name? A Whit W. Hayden.
Q How old are you? A Fifty-seven years old last July.
Q What is your postoffice address? A McGee.
Q How long have you resided in the Chickasaw Nation? A Continuously for about fifteen years.
Q You are an applicant for the enrollment of yourself and seven children, Leonard, Ida, Whit, Ella, Cleveland, Benjamin and Ruth Hayden as citizens by blood of the Choctaw Nation and for the enrollment of your wife, Martha, as a citizen by intermarriage? A Yes sir.
Q You say you have resided in the Chickasaw Nation for the past fifteen years? A Yes sir.
Q How did you become a citizen of the Choctaw Nation? A I was admitted by the Choctaw Council in 1895.
Q Were these children admitted with you? A Yes sir.
Q Have you a copy of that act of the Council? A I have a copy of it at home.
Q You were admitted by an act of the Choctaw Council in 1895? A Yes sir.
Q Was your wife included in that act of admission? A No sir.
Q You claim your wife to be an intermarried citizen of the Choctaw Nation? A Well, I claim she's my wife--I've been living with her for 35 years.
Q You are making an application for her? A No sir, I am not.
Q Do you want to withdraw her application? A I only want it done if it's proper to do so.
Q That is for you to determine? A I will leave that to the Dawes Commission whether its proper or not.
Q Was you ever married to Martha Hayden in accordance with the tribal laws of the Choctaw Nation? A No sir, never was.
Q You were married to her in Texas prior to your admission by the Choctaw Council? A Yes sir.
Q Have you and your wife and family lived together in the Chickasaw Nation since your admission in 1895? A Yes sir.
Q You and this woman are still living together as man and wife? A Yes sir.

Ira S. Hiles, being first duly sworn, states that as stenographer

Whit W. Hayden-2

to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Pauls Valley, Indian Territory, October 24, 1902 and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.


Subscribed and sworn to before me this the 7 day of November, 1902.


Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Whit W. Hyden for the enrollment of himself and his children, Leonard Hyden, Ida Hyden, Whit Hyden, Ella Hyden, Cleveland Hyden, Benjamin Hyden, and Ruth Hyden, as citizens by blood of the Choctaw Nation, and his wife, Martha Hyden, as a citizen of the Choctaw Nation.

DECISION.

It appears from the census card records of the Commission that the applicant, Whit W. Hyden, appeared before the Commission at Pauls Valley, Indian Territory, on the 13th day of September, 1898, and made personal application for the enrollment of himself and his children, Leonard, Ida, Whit, Ella, Cleveland, Benjamin and Ruth Hyden as citizens by blood of the Choctaw Nation, and his wife, Martha Hyden, as a citizen of the Choctaw Nation. The record shows that further proceedings were had in this case at Ardmore, Indian Territory, on the 25th day of November, 1898.

The applicant, Martha Hyden, having a different status than the other applicants in this case, her rights are not passed upon at this time.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, that on the 31st day of October, 1895, the applicants, Whit W. Hyden, Leonard Hyden, Ida Hyden, Whit Hyden, Ella Hyden, Cleveland Hyden, Benjamin Hyden and Ruth Hyden were admitted to citizenship in the Choctaw Nation by an act of the Choctaw National Council, approved by Jeff Gardner, Principal Chief of the Choctaw Nation, and that the names of Whit W. Hyden, Leonard Hyden, (written "Lorenda Hyden"), Ida Hyden, Whit Hyden, Ella Hyden, Cleveland Hyden, Benjamin Hyden and Ruth Hyden appear upon page 150 of the 1896 census roll of the Choctaw Nation, being Nos. 6145, 6147, 6148, 6149, 6150, 6151, 6152 and 6153, respectively, thereon.

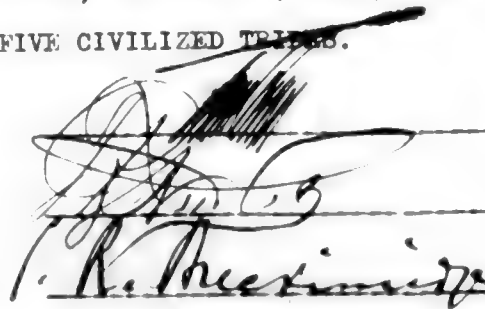
It further appears that said Whit W., Leonard, Ida, Whit, Ella, Cleveland, Benjamin and Ruth Hyden removed to and in good faith settled in Indian Territory prior to June 28, 1898, and are now residents thereof.

It is, therefore, the opinion of this Commission that the application for the enrollment of Whit W. Hyden, Leonard Hyden, Ida Hyden, Whit Hyden, Ella Hyden, Cleveland Hyden, Benjamin Hyden and Ruth Hyden, as citizens by blood of the Choctaw tribe of Indians in Indian Territory should be granted under the twenty first section of the act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

NOV 12 1902



COPY.

Choctaw D 16

Muskogee, Indian Territory, November 13, 1902.

Whit W. Hyden,

Mogee, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission, rendered November 12, 1902, granting the application for enrollment as citizens of the Choctaw Nation of Whit W. Hyden and his minor children, Leonard Hyden, Ida Hyden, Whit Hyden, Ella Hyden, Cleveland Hyden, Benjamin Hyden and Ruth Hyden, as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nation have been furnished a copy of this decision, and have been allowed fifteen days from this date within which to file protest against your enrollment and the enrollment of your minor children as citizens by blood of the Choctaw Nation, and if, at the expiration of that time, no protest has been filed, you and your said children will be regularly listed for enrollment as citizens of the Choctaw Nation.

Respectfully,

(SIGNED)

Acting Chairman.

Register.
AD 1-13

COPY.

Choctaw D 16

Muskogee, Indian Territory, November 13, 1902.

Ledbetter & Bledsoe,

Attorneys at Law,

Ardmore, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered November 12, 1902, granting the application for enrollment as citizens of the Choctaw Nation of Whit W. Hyden and his minor children, Leonard Hyden, Ida Hyden, Whit Hyden, Ella Hyden, Cleveland Hyden, Benjamin Hyden and Ruth Hyden, as citizens by blood of the Choctaw Nation.

You are also advised that the attorneys for the Choctaw and Chickasaw Nations have been allowed fifteen days from this date within which to file a protest against the enrollment of the said Whit W. Hyden and his minor children above named, and if, at the expiration of the said fifteen days, no protest has been filed, the applicants above named will be regularly listed for enrollment as citizens of the Choctaw Nation.

Respectfully,

(SIGNED) *Tams Biaby.*

Acting Chairman.

Register.
AD 2-12

COPY.

Choctaw D 16

Muskogee, Indian Territory, November 13, 1902.

Mansfield, McMurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered November 12, 1902, granting the application for enrollment as citizens of the Choctaw Nation of Whit W. Hyden and his minor children, Leonard Hyden, Ida Hyden, Whit Hyden, Ella Hyden, Cleveland Hyden, Benjamin Hyden and Ruth Hyden, as citizens by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the said Whit W. Hyden, Leonard Hyden, Ida Hyden, Whit Hyden, Ella Hyden, Cleveland Hyden, Benjamin Hyden and Ruth Hyden, as citizens of the Choctaw Nation, and make satisfactory proof of service of said protest upon the applicants herein. If you fail to file a protest within the time allowed, these applicants will be regularly listed for enrollment.

Respectfully,

Register.
Choctaw D 16

(SIGNED) *Tams Birby.*
Acting Chairman.

Department of the Interior,
Commissioner to the Five Civilized Tribes.
Muskogee, Indian Territory, August 10, 1906.

In the matter of the application for the enrollment of
Martha Hyden, et al., as citizens of the Choctaw Nation, consolidat-
ing the applications of

Martha Hyden, 7-5182,
Georgia Hyden, et al 7-272.

The Department on October 5, 1905 (I.T.D. 9748-1905), directed this office to notify the applicants that a hearing upon the merits of their claim would be entertained by this office, and further directed the Commissioner to inquire into the fact whether the passage of the Act of the General Council of the Choctaw Nation, approved October 31, 1895, admitting Whit W. Hyden, et al., was procured by fraud as declared by the Choctaw and Chickasaw Citizenship Court, in the case of J. W. Hyden, et al., No. 48 on the Tishomingo Docket.

On July 9, 1906, the applicants, their attorneys of record, together with the attorneys for the Choctaw and Chickasaw Nations, were notified of the action of the Department, and advised that the Commissioner to the Five Civilized Tribes would, at his office at Muskogee, Indian Territory, on Tuesday, July 31, 1906, at nine o'clock A. M., hear such testimony and receive such other evidence as might be introduced in the matter of said application.

Pursuant to written request of Ledbetter & Bledsoe, attorneys for the applicant, a continuance was granted in the matter of said application until Friday, August 10, 1906, at nine o'clock A. M.

Now, on this 10th day of August, 1906, the following appearances were entered and proceedings had:

H. F. Bledsoe, of Ledbetter & Bledsoe, attorneys at law, Ardmore, Indian Territory, appears on behalf of the applicants.

No appearance on behalf of the Choctaw and Chickasaw Nations.

FRANK S. HYDEN, being first duly sworn, testified as follows:

Examination by the Commissioner:

Q What is your name, please? A Frank S. Hyden.
Q How old are you, Mr. Hyden? A Thirty-seven years old.
Q What is your post office? A Ardmore, Indian Territory.

The witness is identified upon Choctaw Field Card No. 272, opposite No. 15169, approved by the Secretary of the Interior March 26, 1904.

- Q Is Georgia Hyden your wife? A Yes sir.
 Q When were you married to Georgia Hyden? A The 21st day of June, 1891.
 Q Have you evidence of your marriage with you? A Yes sir, I have a certified copy of our marriage license.

The witness offers in evidence certified copy of the marriage license and certificate showing his marriage to Georgia Hyden (nee Bowman). The same will be filed with the record in this case.

- Q Where were you married to Georgia Hyden? A At Mooreville, Falls County, Texas.
 Q Were you living there at that time? A No sir, I was living in Ardmore, Indian Territory.
 Q How long had you been a resident of the Chickasaw Nation?
 A I have been living---
 Q At that time? A From somewhere about 1883 or 4.
 Q Continuously? A With the exception of two years I lived in Gainesville, Texas, but we called the Territory our home; we had property in the Territory.
 Q When did this two years absence occur? Just preceeding your marriage? A No sir, my recollection was it was in '87 and '88, probably, or '88 and '89; I dis-remember which.
 Q Where was your wife, Georgia Hyden, living at the time of your marriage to her? A Near Mooreville, Falls County, Texas.
 Q After your marriage where did you live? A Ardmore, Indian Territory.
 Q Have you and your wife continued to live at Ardmore from the date of your marriage till the present time? A Yes sir.
 Q Continuously? A Yes sir.
 Q Had you ever been married before your marriage to Georgia Hyden?
 A No sir.
 Q Had she ever been married before her marriage to you? A No sir.
 Q At the time you married Georgia Hyden you were not recognized as a citizen of the Choctaw Nation, were you? A No sir.
 Q You were admitted by an Act of the Choctaw Council approved October 31, 1895? A Yes sir.
 Q Along with your father, Whit. W. Hyden? A Yes sir.

A certified copy of the Act of admission above referred to is filed with the record in the matter of the application for the enrollment of Whit. W. Hyden, et al., as citizens of the Choctaw Nation. Said Act reads as follows:

An Act admitting Whit W. Hyden and his children to citizenship.

Sec. 1. Be enacted by the General Council of the Choctaw Nation assembled, That Whit W. Hyden and his children Frank Hyden aged 25, Maud Hyden, aged 23, Leonard Hyden, aged 16, Ida Hyden, aged 14, Whit Hyden 12, Ella Hyden, aged 10, Cleveland Hyden, aged 7, Benjamin Hyden, aged 5, and Ruth Hyden, aged 3, be admitted to all the rights and privileges of citizens of the Choctaw Nation,

and this act take effect and be in force from and after its passage.

Approved October 31st, 1895.

Jeff Gardner.

- Q How old were you at the time of the passage of this Act of the Choctaw Council? A Lets see--I was born July 10, 1869; that was in 1895, wasn't it?
- Q Twenty-six years old? A Yes sir.
- Q Did you have anything to do with the procuring of this Act before the Council? A Nothing any more than I went to see some of the witnesses was all.
- Q What proceedings did you take in order to be adopted by the Choctaw Council, you and your father? Did your father petition the Choctaw Council? A Yes sir.
- Q Praying for your admission? A Yes sir.
- Q What action was taken on that? A Why, they admitted us to citizenship.
- Q Did you have a hearing upon that petition? A Yes sir.
- Q When was that hearing had? A That was in October, '95.
- Q The hearing was had the same month the Act was passed?
- A Yes sir.
- Q To whom was that petition referred by the Council? A I do not know; I don't remember. You mean the members of this council?
- Q Yes, wasn't it referred to a citizenship committee? A Yes sir..
- Q Who composed that committee? A I don't know whom they were.
- Q Did you appear before it? A No sir, my father did.
- Q Who conducted the proceedings in this matter in your behalf?
- A My recollection is Mr. Telle, A. Telle.
- Q He is a Choctaw citizen? A Yes sir.
- Q You have no personal knowledge of any of the proceedings had in procuring that Act of Council, have you? A No sir, I wasn't there.
- Q At any time? A No sir.
- Q Do you know what witnesses you had before the Council to testify in your behalf? A No sir, I know that Judge Everidge, Supreme Judge of the Choctaw Nation was one of them; I wasn't in there and don't know who they were, but Judge Everidge was one of the witnesses.
- Q Was he acquainted with your ancestors? A Yes sir, knew all of them.
- Q Where did your people come from to the Chickasaw Nation?
- A I don't know.
- Q Come from Texas? A You mean my father?
- Q Yes, where did your people come from? From Texas? A Yes sir.
- Q Was your father born in Texas? A No sir, he was born in Virginia.
- Q Born in Virginia? A I think so.
- Q Do you know from whom he claims his Indian blood, if any?
- A No, I do not.
- Q Do you know the names of any of your ancestors more remote than your father and mother? A I never knew anything of my people except my parents.
- Q Has it ever been charged that this act of the Choctaw Council was procured for a money consideration? A Not that I have heard of.
- Q Is your father living at this time? A Yes sir.

- Q Where was your mother, Martha Hyden, living at the time of her marriage to your father? A Living in Texas, Falls County, Texas.
- Q Do you know when they were married? A I don't know the exact date; they were married sometime in 1866 or '67, somewhere along there; I don't know just the time.
- Q When did your father and mother remove to the Indian Territory?
- A When I was a very small boy.
- Q Well, after their removal to the Indian Territory, did they live there continuously ever afterwards, up to and including 1902?
- A Yes sir, they lived there until when we moved to Gainesville; it was sometime in the '80's, and stayed about two years, but we owned property in the Territory at that time, and called it our home.
- Q How many years since you moved to the Chickasaw Nation and lived there continuously? A Well, they only moved away from the Territory this one time.
- Q In the '30s? A Yes sir.
- Q And then returned to the Chickasaw Nation? A Yes sir.
- Q And lived there ever since? A Ever since, yes sir.
- Q Was your mother living with your father, Whit W. Hyden, at the time of his admission by the Choctaw Council? A Yes sir.
- Q You and your wife were living together at the time of the admission of yourself by the Choctaw Council? A Yes sir.
- Q Is your mother living at this time? A No sir.
- Q When did she die? A She died in April, 1906.
- Q Have you a child by the name of Eva Marguerite? A Yes sir.
- Q Is she living? A Yes sir.
- Q She is the daughter of your wife, Georgia, and yourself?
- A Yes sir.
- Q How old is she at this time? A She was ten years old the 3rd day of July, 1906.
- Q Was she a party to the Choctaw and Chickasaw Citizenship Court case which you were in? A I wasn't in that case.
- Q Your wife, I mean, the one your wife was in? A Yes sir.
- Q Has your daughter, Eva Marguerite, ever been known by the name of Emmie? A No sir.
- Q In 1896 how many children did you have? A Two.
- Q What were their names? A Maud and Eva Marguerite.
- Q The 1896 Choctaw Census Roll shows that Frank Hyden, Georgia Hyden, Maud Hyden and Emmie Hyden are enrolled thereon, opposite numbers 6146, 14666, 6154 and 6155, respectively. Now, is that Emmie your daughter, Eva Marguerite? A Yes sir, that is a mistake they made.
- Q Did you ever call your daughter by the name of Evvie? A We call her Marguerite.
- Q Never called her her first name? A No sir.

By Mr. Bledsoe:

- Q Your wife, Georgia Hyden, is living at the present time?
- A Yes sir.
- Q And you are living together as husband and wife? A Yes sir.
- Q I will ask you if at any time you ever used any money or undue influence to procure the passage of this act admitting yourself and father as members of the Choctaw tribe? A No sir, I did not.
- Q For what length of time did you understand that your father claimed to be of Choctaw or Chickasaw blood? A Ever since I can remember.

- Q Mr. Hyden, do you know how your wife and daughter came to be in that application for citizenship? A No sir, I don't know how they got in there.
- Q Had their citizenship ever been disputed? A No sir.

By the Commissioner:

- Q Do you know whether your mother was married before she married your father, Whit W. Hyden? A She was not.
- Q Had your father been married before he married your mother? A No sir.

(Witness excused.)

Lenora B. Ashton, as stenographer to the Commissioner to the Five Civilized Tribes, on oath states that she reported the testimony in the above entitled cause on the 10th day of August, 1906, and that the above and foregoing transcript is a true and complete translation of her stenographic notes.

Lenora B. Ashton

Subscribed and sworn to before me this 10th day of August, 1906.

Walter W. Chappell
Notary Public.

7-5182,
7-272.

O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Martha Hyden, et al., as citizens of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that on September 24, 1898, application was made to the Commission to the Five Civilized Tribes for the enrollment of Martha Hyden as a citizen by intermarriage of the Choctaw Nation. It further appears from the census card record in this case that on September 24, 1898, application was also made for the enrollment of Georgia Hyden as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of Eva Marguerite Hyden as a citizen by blood of said nation.

It appears from the records of the Commission to the Five Civilized Tribes that on September 9, 1896, in the case entitled "J. W. Hyden, et al., vs. Choctaw Nation" (1896 Choctaw Citizenship Docket, Case No. 1344), original application was made to said Commission, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321), for admission to citizenship in the Choctaw Nation of the applicants, Martha Hyden and Georgia (as Georgie) Hyden, as citizens by intermarriage of the Choctaw Nation, and for the admission of Eva Margaret Hyden as a citizen by blood of said nation; and that on December 8, 1896, said Commission rendered its decision therein, denying said application. From this decision of said Commission an appeal was taken to the United States Court for the Southern District of Indian Territory, which court, in the case entitled "J. W. Hyden, et al., vs. Choctaw Nation" (Citizenship Case No. 141), reversed the decision of said Commission and admitted said applicants to citizenship in the Choctaw Nation.

It further appears from the records of said Commission that on December 17, 1902, the Choctaw and Chickasaw Citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902, (32 Stats., 641), "set aside, annulled, vacated and held for naught" the aforesaid judgment of the United States Court for the Southern District of Indian Territory.

Subsequently, said cause was certified to said Choctaw and Chickasaw Citizenship Court for a trial de novo, and on November 28, 1904, said court, in the case entitled "J. W. Hyden, et al., vs. Choctaw and Chickasaw Nations" (Choctaw-Chickasaw Citizenship Court Case No. 48, Tishomingo Docket), rendered its decision therein wherein it was "ordered, adjudged and decreed that the petition of the plaintiffs Eva Margaret Hyden, Martha Hyden, Georgie Hyden or Georgia Hyden, be denied, and that they be declared not citizens of the Choctaw Nation, and not entitled to enrollment as such citizens, and not entitled to any rights flowing therefrom".

On June 30, 1905 (I. T. D. 5357-1905), the Department referred to this office for report and recommendation, a communication from Ledbetter & Bledsoe, attorneys at law, Ardmore, Indian Territory, of June 24, 1905, relative to the right to enrollment as citizens of the Choctaw Nation of the applicants herein.

July 21, 1905, this office reporting therein stated that Whit W. Hyden, husband of the applicant, Martha Hyden, and Frank Hyden, husband of Georgia Hyden, were admitted by an Act of the Choctaw Council approved October 31, 1895. It was further stated that "if it shall be held by the Department that the admission to citizenship in the Choctaw Nation of the husband confers citizenship upon the wife, although now named in the act, it would appear that by virtue of the Act of the Choctaw Council of October 31, 1895, above referred to, and the enrollment upon the 1896 census roll of the Choctaw Nation of Martha and Georgia Hyden, this office would now have jurisdiction to determine their rights to citizenship in accordance with the opinions of the Assistant Attorney General of March 24, 1905, in the cases of Henry S. Cummins and B. J. Vaughan, et al."

"Eva Marguerite Hyden, being a child of Frank Hyden, born since the date of his admission, and her name appearing on the 1896 census roll of the Choctaw Nation, would clearly come within the class included in the opinions of the Assistant Attorney General of March 24, 1905, above referred to."

The Department on October 5, 1905 (I. T. D. 9748-1905), referring to the enrollment case of Elizabeth C. Mulkey, decided June 5, 1902 (I. T. D. 3416), stated that the admission of the husband to citizenship carried with it the admission of his wife, and that such was the case whether the marriage was contracted before or after the admission of the husband to citizenship.

The Department directed that the applicants be notified that a hearing upon the merits of their claim would be granted, and requested this office to inquire into the fact whether the passage of the Act of the General Council of the Choctaw Nation, approved October 31, 1895, admitting Whit W. Hyden, et al., was procured by fraud as declared by the Choctaw and Chickasaw Citizenship Court in the case of J. W. Hyden, et al., No. 48 on the Tishomingo Docket.

July 9, 1906, this office advised the applicants, their attorneys, and the attorneys for the Choctaw and Chickasaw Nations, of the action of the Department, and notified them that the Commissioner to the Five Civilized Tribes would, at his office at Muskogee, Indian Territory, on Tuesday, July 31, 1906, at nine o'clock A. M., hear the testimony of such witnesses and receive such other evidence as might be introduced in the matter of said application, and for the information of the attorneys for the applicants and nations, inclosed a copy of Departmental letter above referred to.

Pursuant to written request of Ledbetter & Bledsoe, attorneys for the applicants, a continuance was granted in the matter of said application until Friday, August 10, 1906, at nine o'clock A. M., of which action all parties in interest were duly notified.

On August 10, 1906, proceedings were had in the matter of said application in accordance with the notices above mentioned, at which time no appearance was entered on behalf of the Choctaw and Chickasaw Nations.

The evidence in this case shows that the applicant, Martha Hyden, was in 1866 or 1877, under the laws of the State of Texas, married to Whit W. Hyden, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 14149 upon a list prepared by the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation, and approved by the Secretary of the Interior March 19, 1903; that at the time of said marriage both persons above mentioned were residents in good faith of the State of Texas; that in 1883 or 1884 they removed to the Chickasaw Nation, Indian Territory, where they resided continuously as husband and wife up to and including September 25, 1902.

The record herein further shows that on June 21, 1891, the applicant, Georgia Hyden, was under the laws of the State of Texas married to Frank S. Hyden, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 15169 upon the final roll of citizens by blood of the Choctaw Nation, approved by the Secretary of the Interior March 26, 1904; that at the time of said marriage the applicant, Georgia Hyden, was a resident of the State of Texas; that Frank S. Hyden was a resident of the Chickasaw Nation; and that since said marriage the applicant and her husband have resided continuously in the Chickasaw Nation, up to and including September 25, 1902.

Whit W. Hyden and Frank S. Hyden, through whom Martha Hyden and Georgia Hyden claim their intermarried rights, were admitted to Choctaw citizenship by an act of the Choctaw Council approved October 31, 1895, and their names appear upon the 1896 Choctaw Census Roll, Chickasaw District, opposite number 6145 and 6146, respectively.

The applicant, Eva Marguerite Hyden, was born July 3, 1896, and is the daughter of the applicant, Georgia Hyden, and Frank Hyden, above mentioned.

The applicants, Martha Hyden, Georgia Hyden and Eva Marguerite Hyden, are identified upon the 1896 Choctaw Census Roll, Chickasaw District, opposite numbers 14665, 14666 and 6155, respectively, the two former being enrolled as citizens by intermarriage of the Choctaw Nation, and the latter as a citizen by blood of said nation.

I am of the opinion that in accordance with the opinions of the Assistant Attorney General for the Department of the Interior of February 2, 1905 (I. T. D. 10353-1904) and December 8, 1905 (I. T. D. 3693-1905), in the case of Lula West, the action of the Commission to the Five Civilized Tribes of December 8, 1896, and the subsequent action of the Choctaw and Chickasaw Citizenship Court, denying the applications of the applicants herein for admission to citizenship in the Choctaw Nation, was without authority of law, and without any force or effect upon the status of the applicants as citizens of the Choctaw Nation.

I am further of the opinion that Eva Marguerite Hyden should be enrolled as a citizen by blood of the Choctaw Nation, and that following the ruling of the Department in the case of Elizabeth C. Mulkey (I. T. D. 3416-1902), Martha Hyden and Georgia Hyden should be enrolled as citizens by intermarriage of the Choctaw Nation, under

the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), and July 1, 1902 (32 Stats., 641), and it is so ordered.

(Signed) Tams Bixby

Commissioner.

Muskogee, Indian Territory,

Oct 1 1906

7-5182

7-272

Muskogee, Indian Territory, October 1, 1906.

Martha Hyden,

Muskogee, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 1, 1906, granting the application for the enrollment of Eva Marguerite Hyden as a citizen by blood of the Choctaw Nation, and the application for the enrollment of Martha Hyden and Georgia Hyden as citizens by intermarriage of said nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against your enrollment. If at the expiration of that time no protest has been filed, the name of Eva Marguerite Hyden will be placed upon the final roll of citizens by blood of the Choctaw Nation, and the names of Martha Hyden and Georgia Hyden will be placed upon the final roll of citizens by intermarriage of said nation, to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

J. M. D. 10023

Registered.

Incl. 7-5182--7-272

Commissioner.

7-5162

7-272

COPY

Muskogee, Indian Territory, October 1, 1906.

Georgia Hyden,

Frank S. Hyden,

Arden, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 1, 1906, granting the application for the enrollment of Eva Marguerite Hyden as a citizen by blood of the Choctaw Nation, and the application for the enrollment of Martha Hyden and Georgia Hyden as citizens by intermarriage of said nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against your enrollment. If at the expiration of that time no protest has been filed, the name of Eva Marguerite Hyden will be placed upon the final roll of citizens by blood of the Choctaw Nation, and the names of Martha Hyden and Georgia Hyden will be placed upon the final roll of citizens by intermarriage of said nation, to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Registered.
Incl. 7-5162--7-272

SIGNED

Respectfully,

7-5182

7-272

COPY

Muskogee, Indian Territory, October 1, 1906.

W. B. M. Mitchell,

Attorney at Law,

Pauls Valley, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on October 1, 1906, rendered his decision granting the application for the enrollment of Eva Marguerite Hyden as a citizen by blood of the Choctaw Nation, and the application for the enrollment of Martha Hyden and Georgia Hyden as citizens by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of the decision and have been allowed fifteen days from the date of this notice within which to file protest against their enrollment. If at the expiration of that time no protest has been filed, the name of Eva Marguerite Hyden will be placed upon the final roll of citizens by blood of the Choctaw Nation, and the names of Martha Hyden and Georgia Hyden will be placed upon the final roll of citizens by intermarriage of said nation, to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tamm

Registered.

Commissioner.

7-5182

7-272

Muskogee, Indian Territory, October 1, 1906.

S. E. Lewis,

McGee, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on October 1, 1906, rendered his decision granting the application for the enrollment of Eva Marguerite Hyden as a citizen by blood of the Choctaw Nation, and the application for the enrollment of Martha Hyden and Georgia Hyden as citizens by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this notice within which to file protest against their enrollment. If at the expiration of that time no protest has been filed, the name of Eva Marguerite Hyden will be placed upon the final roll of citizens by blood of the Choctaw Nation, and the names of Martha Hyden and Georgia Hyden will be placed upon the final roll of citizens by intermarriage of said nation, to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Registered.

Commissioner.

7-5182

7-272

COPY

Waskagee, Indian Territory, October 1, 1906.

Ledbetter & Bledsoe,

Attorneys at Law,

Ardmore, Indian Territory.

Gentlemen:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on October 1, 1906, rendered his decision granting the application for the enrollment of Eva Marguerite Hyden as a citizen by blood of the Choctaw Nation, and the application for the enrollment of Martha Hyden and Georgia Hyden as citizens by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of the decision and have been allowed fifteen days from the date of this notice within which to file protest against their enrollment. If at the expiration of that time no protest has been filed, the name of Eva Marguerite Hyden will be placed upon the final roll of citizens by blood of the Choctaw Nation, and the names of Martha Hyden and Georgia Hyden will be placed upon the final roll of citizens by intermarriage of said nation, to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

James Bixby

Registered.
Incl. 7-5182--7-272

Commissioner.

7-5182

7-272

COPY

Muskogee, Indian Territory, October, 1, 1906.

Vansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 1, 1906, granting the application for the enrollment of Eva Marguerite Hyden as a citizen by blood of the Choctaw Nation, and the application for the enrollment of Martha Hyden and Georgia Hyden as citizens by intermarriage of said nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against their enrollment. If at the expiration of that time no protest has been filed, the name of Eva Marguerite Hyden will be placed upon the final roll of citizens by blood of the Choctaw Nation, and the names of Martha Hyden and Georgia Hyden will be placed upon the final roll of citizens by intermarriage of said nation. to be submitted to the Secretary of the Interior for his approval.

Respectfully,

James Birney

Registered.

Commissioner.

Incl. 7-5182
7-272

7-5609
7-272

Muskogee, Indian Territory, November 30, 1906.

Martha Hyden,

McGee, Indian Territory,

Dear Madam:

You are hereby advised that on November 17, 1906, the Secretary of the Interior affirmed the decision of this office of October 1, 1906, granting the application for the enrollment of Eva Marguerite Hyden as a citizen by blood, and for the enrollment of Martha Hyden and Georgia Hyden as citizens by intermarriage, of the Choctaw Nation.

The names of these persons will be placed upon the next schedules of citizens by blood and intermarriage of the Choctaw Nation, to be prepared for forwarding the Secretary of the Interior for his approval.

Respectfully,

Tamas Bixby
Commissioner.

7-5609
7-272

Muskogee, Indian Territory, November 30, 1906.

Georgia Hyden,

✓ Frank Hyden,

Ardmore, Indian Territory,

Dear Madam:

You are hereby advised that on November 17, 1906, the Secretary of the Interior affirmed the decision of his office of October 1, 1906, granting the application for the enrollment of Eva Marguerite Hyden as a citizen by blood, and the application for the enrollment of Martha Hyden and Georgia Hyden as citizens by intermarriage, of the Choctaw Nation.

The names of these persons will be placed upon the next schedules of citizens by blood and intermarriage of the Choctaw Nation to be prepared for forwarding the Secretary of the Interior for his approval.

Respectfully,

LEWIS H. HARRIS
Commissioner.

7-5609
7-272

Muskogee, Indian Territory, November 30, 1906.

W. B. M. Mitchell,
Attorney at Law,
Pauls Valley, Indian Territory,

Dear Sir:

You are hereby advised that on November 17, 1906, the Secretary of the Interior affirmed the decision of this office of October 1, 1906, granting the application for the enrollment of Eva Marguerite Hyden as a citizen by blood, and for the enrollment of Martha Hyden and Georgia Hyden as citizens by intermarriage, of the Choctaw Nation.

The names of these persons will be placed upon the next schedules of citizens by blood and intermarriage of the Choctaw Nation, to be prepared for forwarding to the Secretary of the Interior for his approval.

For your information there is inclosed herewith copy of Departmental letter of November 17, 1906, above referred to.

Respectfully,

James Bixby
Commissioner.

LM 30/4

7-5609
7--272

Muskogee, Indian Territory, November 30, 1906.

S. E. Lewis,

McGeo, Indian Territory,

Dear Sir:

You are hereby advised that on November 17, 1906, the Secretary of the Interior affirmed the decision of this office of October 1, 1906, granting the application for the enrollment of Eva Marguerite Hyden as a citizen by blood, and for the enrollment of Martha Hyden and Georgia Hyden as citizens by intermarriage of the Choctaw Nation.

The names of these persons will be placed upon the next schedule of citizens by blood and intermarriage of the Choctaw Nation, to be prepared for forwarding the Secretary of the Interior for his approval.

Respectfully,

Tamm C. Jones
Commissioner.

7-5609
7--272

Muskogee, Indian Territory, November 30, 1906.

Ledbetter & Bledsoe,
Attorneys at Law,
Ardmore, Indian Territory,

Gentlemen:

You are hereby advised that on November 17, 1906, the Secretary of the Interior affirmed the decision of this office of October 1, 1906, granting the application for the enrollment of Eva Marguerite Hyden as a citizen by blood, and for the enrollment of Martha Hyden and Georgia Hyden as citizens by intermarriage, of the Choctaw Nation.

The names of these persons will be placed upon the next schedule of citizens by blood and intermarriage of the Choctaw Nation to be prepared for forwarding the Secretary of the Interior for his approval.

For your information there is inclosed herewith a copy of Departmental letter of November 17, 1906, above referred to.

Respectfully,

LM 36/5

Commissioner.

7-5609
7--272

Muskogee, Indian Territory, November 30, 1906.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

You are hereby advised that on November 17, 1906, the Secretary of the Interior affirmed the decision of this office of October 1, 1906, granting the application for the enrollment of Eva Marguerite Hyden as a citizen by blood, and for the enrollment of Martha Hyden and Georgia Hyden as citizens by intermarriage, of the Choctaw Nation.

The names of these persons will be placed upon the next schedules of citizens by blood and intermarriage of the Choctaw Nation to be prepared for forwarding the Secretary of the Interior for his approval.

For your information there is inclosed herewith a copy of Departmental letter of November 17, 1906, above referred to.

Respectfully,

LM 30/6

W. H. Murray
Commissioner.

7-5609

Muskogee, Indian Territory, March 29, 1907.

Martha Hyden,

McGee, Indian Territory:

Dear Madam:

You are hereby advised that in accordance with an opinion of the Attorney General of the United States of February 19, 1907, the Secretary of the Interior on March 4, 1907, directed the cancellation of your enrollment upon the roll of citizens by intermarriage of the Choctaw Nation.

Your name has accordingly been stricken from copy of said roll in the possession of this office.

Respectfully,

Acting Commissioner.

Land

88228-08
16008-09
JBR

BAH
KW

Department of the Interior,
Office of Indian Affairs,

Washington, D. C. May 2, 1909.

Respectfully referred to the Commissioner
to the Five Civilized Tribes, for
early report as to matters not of record
as being in this office.

John Francis Jr.

Acting Chief Land Division.

1 copy of letter (16008)

D C D 277-1909

W.S.A.

J.W.H.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

February 15, 1909.

The Commissioner
of Indian Affairs.

Sir:

The Department has had under consideration for some time a schedule, prepared in the office of the Commissioner to the Five Civilized Tribes, which was originally filed in your office December 30, 1908, as No. 88228, purporting to be a list of persons whose names were stricken from the approved rolls of citizens of the Five Civilized Tribes without prior notice. Action has already been taken by the Department upon a majority of the names mentioned in said list, but there is a comparatively small number of cases as to which the information before the Department is not sufficiently complete to warrant present action.

The names of the parties to cases of the latter class having applications for enrollment as citizens of the Choctaw Nation are listed below, and you are requested to cause further report to be made as to each, calling upon the Commissioner to the Five Civilized Tribes, if necessary, for additional information and papers.

It is also desired that the record in each of said cases be forwarded with separate report thereon.

CHOCTAWS BY BLOOD.

Name	Roll No.
Armstrong, Rebecca K.	16,057
Armstrong, Bonnie D.	16,056
Armstrong, Layton B.,	16,055
Armstrong, Mattie L.,	16,054
Padier, Ira	10,112
Turner, Martin Franklin,	15,369
Turner, Myrtle L.,	15,370

CHOCTAWS BY MARRIAGE.

Duer, Thomas W.,	1,556
Hyden, Georgia,	1,601
Hyden, Martha,	1,609
Marshall, Josiah T.,	1,341
Swadley, William T.,	1,634

In connection with Josiah T. Marshall, it should be shown whether his enrollment by the Department was based upon a marriage contracted subsequent to the decision against him by the Dawes Commission under the Act of June 10, 1896. The Department also desires to be advised, in connection with the case of William T. Swadley, what information, if any, is of record concerning Minerva F. Swadley.

Notwithstanding partial reports have been made heretofore, with varying degrees of completeness, it is desired that all material information affecting each case be brought together in

a single report showing particularly, --

1. What tribal recognition, if any, has been accorded the applicants, whether by enrollment, act of council, decree of court, or otherwise,
2. The action by the Commission (or Commissioner) to the Five Civilized Tribes, the Commissioner of Indian Affairs, and the Secretary of the Interior, together with the dates of such action.

NOTE: This information is desired in order that it may be apparent to what extent, if at all, the Department should now be governed by its ruling of August 15, 1907 (D-299) in the case of Berona Bullocks, et al.

3. What action, if any, was taken under the Act of June 10, 1896, (a) by the Commission to the Five Civilized Tribes, and (b) by the United States court,
4. Whether the case was appealed or transferred to the Choctaw and Chickasaw Citizenship court and, if so, whether specific judgment was rendered by said court,
5. Whether certificates of allotment or patents were issued, delivered, or recorded in favor of any of the applicants,
6. What attempt, if any, was made, directly or indirectly, to give the applicants and their heirs notice of the proceedings looking to the cancellation of

3

their names from the approved rolls; also what evidence is now available showing that such attempt was made.

7. When and for what reason did the Department strike or attempt to strike their names from the approved rolls.

Very respectfully,

(Signed) Jesse H. Wilson

Assistant Secretary.

ct-

D 277-1909.

Muskogee, Oklahoma, March 12, 1909.

Subject:
Report on Departmental
letter of February 25,
1909, as to Martha Hyden, et al.

The Honorable,

The Commissioner of Indian Affairs.

Sir:

March 2, 1909 (Land 88228-1908, 18008-1909) the Indian Office referred to this office copy of Departmental letter of February 25, 1909, asking for a full report on certain Choctaw cases therein named, among which were Martha and Georgia Hyden.

Reporting in this matter I have the honor to advise that it appears from the records of this office that on September 9, 1896, in the case entitled J. W. Hyden, et al., vs. the Choctaw Nation, 1896, Choctaw Citizens in Case number 1344, Martha Hyden and Georgia (as Georgie) Hyden, made application for admission as citizens by intermarriage of the Choctaw Nation, under the act of Congress approved June 10, 1896 (29 Stat., 321) and that on December 8, 1896, the Commission to the Five Civilized Tribes rendered a decision denying this application. From this decision an appeal was taken to the United States Court for the Southern District of the Indian Territory, which court reversed the decision of said Commission, Case Number 141 on the Citizenship

Docket of said court, and admitted these applicants as intermarried citizens of the Choctaw Nation.

On December 17, 1902, the Choctaw and Chickasaw Citizenship Court, created under the provisions of the Act of Congress approved July 1, 1902 (32 Stat., 641), "set aside, annulled, vacated and held for naught" the aforesaid decision of the United States Court for the Southern District of Indian Territory.

Subsequently this cause was certified to the Choctaw and Chickasaw Citizenship Court for a trial de novo, and on November 28, 1904, in the case entitled J.W. Hyden, et al. vs. Choctaw and Chickasaw Nations, Case Number 48, Tishomingo Doelot, said Court rendered its decision denying the right to enrollment in the Choctaw and Chickasaw Nation of Martha and Georgia Hyden.

June 30, 1905 (ITD 5857-1905) the Secretary of the Interior referred to this office for report and recommendation a communication of June 24, 1905, from Ledbetter and Bledsoe, attorneys at law, Ardmore, Indian Territory, relative to the right to enrollment of Martha, Georgie and Evvie Hyden. Report was made July 21, 1905, and on October 5, 1905 (ITD 9748-1905) this office was directed to grant applications a new hearing and to investigate whether the act of the Choctaw Council of October 31, 1895, admitting Whit W. Hyden, (husband of Martha Hyden) and Frank S. Hyden (husband of Georgia Hyden) to citizenship in the Choctaw Nation was procured through fraud.

August 10, 1906, hearing was had in this matter and October

1, 1906, a decision was rendered by the Commissioner granting the application for the enrollment of Martha and Georgia Hyden as citizens by intermarriage of the Choctaw Nation.

This decision also admitted Eva Marguerite Hyden, child of Frank S. Hyden and Georgia Hyden, as a citizen by blood of the Choctaw Nation. Eva Marguerite (as Evvie) Hyden was also party to the original application in 1896, was denied by the Commission, admitted by the United States Court and subsequently denied by the Choctaw and Chickasaw Citizenship Court in the same case as Martha and Georgia Hyden.

The name of Martha Hyden appears on the 1896 Choctaw Census roll of intermarried citizens opposite Number 14665 and the name of Georgia (as Georgie) Hyden appears at Number 14666 upon the same roll, while Eva Marguerite (as Emmie) Hyden is enrolled opposite Number 6155 of the 1896 Choctaw Census roll of citizens by blood of said nation.

October 20, 1906, the record in this case was transmitted to the Department. November 8, 1906, (Land 94184-1906) the Indian Office recommended approval of the decision of the Commissioner of October 1, 1906, favorable to the applicants, and November 17, 1906 (ITD 5857-9748-10135-1905, 22524-1906) the Secretary of the Interior affirmed this decision.

January 16, 1907, a schedule of citizens by marriage containing the names of Martha and Georgia Hyden, Numbers 1601 and 1602 thereon respectively, was transmitted to the Department

and February 12, 1907, this schedule was approved by the Secretary of the Interior.

On the same date a schedule of citizens by blood of the Choctaw Nation, containing, among other, the name of Eva Marguerite Hyden, referred to above, was transmitted to the Department, which schedule was disapproved by the Secretary of the Interior March 4, 1907.

March 4, 1907 (LTD 7794-1907) the Secretary of the Interior directed the cancellation of the enrollment of Martha Hyden, Number 1609, and Georgia Hyden Number 1601 upon the roll of Choctaws by marriage, in accordance with an opinion of the Assistant Attorney General of February 19, 1907.

No allotment was selected for Martha Hyden; selection of allotment was made by Georgia Hyden, but no certificates or patents were issued and the allotment was cancelled. No subsequent selection has been made of this land.

No attempt was made, directly or indirectly, so far as is shown by the records of this office, to give the above named applicants notice of any proceedings looking to the cancellation of their enrollment as their names were included with the other persons whose enrollment was cancelled March 4, 1907, without notice.

Although no request was made for report as to Eva Marguerite Hyden, as her name appears in the record and decision with Martha

and Georgia Hyden, it has been deemed advisable to set forth sufficient facts in regard to her application to enable the Indian Office intelligently to review the whole decision.

While a separate report was called for in each case, inasmuch as Martha and Georgia Hyden were included in the same decision, and the record as to one applicant embraces the application of the other, it is believed that this complies with the spirit of the request for a separate report, while it serves to prevent a repetition of the facts.

Respectfully,

Acting Commissioner.

AB

No 848

Certificate of Record of Marriage.

UNITED STATES OF AMERICA,
THE INDIAN TERRITORY, -set.
SOUTHERN DISTRICT.

I, C. M. CAMPBELL, Clerk of the United
States Court in the Territory and District
aforesaid, DO HEREBY CERTIFY, that the
License for, and Certificate of Marriage of

Mr. *N. B. M. Mitchell* and
M. *Ida Hyden*

were filed in my office in said Territory and

District the *1* day of *Mar*

A. D. 1 *900* DEPARTMENT OF THE INTERIOR, Book
COMMISSION TO THE FIVE CIVILIZED TRIBES,
of Marriage Record, was

FILED
WITNESS my hand and seal of said Court,
NOV 24 1902

at Ardmore, this *1* day of *Mar*

A. D. 1 *900* ACTING CHAIRMAN.

C. M. Campbell CLERK.

Robt W Aramian
when read
FILED

MAR 1 1900 6AM

C. M. CAMPBELL CLERK



MARRIAGE LICENSE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
SOUTHERN DISTRICT

ss: To Any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby Commanded, To solemnize the Rite and
publish the Banns of Matrimony between

Mr. W. B. M. Mitchell, of McGe.

in the Indian Territory, aged 25 years, and

M. J. Lee Hyman, of McGe.

in the Indian Territory, aged 18 years,

according to law; and do you officially sign and return this License to
the parties therein named.

Witness my hand and official seal, this 22 day
of February A. D. 1900

L. M. Campbell

Clerk of the United States Court
By J. T. Fleming, etc.

Certificate of Marriage.

UNITED STATES OF AMERICA,
THE INDIAN TERRITORY,
SOUTHERN DISTRICT.

1. J. M. Goffman,
a Gospel Minister

do hereby certify, that on the 27 day of Feb A. D. 1900
did duly and according to law, as commanded in the foregoing License, solemnize the Rite
and publish the Banns of Matrimony between the parties therein named

WITNESS my hand, this 27 day of Feb A. D. 1900

My credentials are recorded in the office of the Clerk of the United States Court,
Indian Territory, Southern District, at Ardmore, Book A Page 158.

J. M. Goffman
a Gospel Minister

NOTE (a)—This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court in
the Indian Territory, at Ardmore, within sixty days from the date thereof, or the party to whom the License was
issued will be liable in the amount of One Hundred Dollars, (\$100.)
NOTE (b)—No person is authorized to perform the Marriage Ceremony in the Southern District, unless the proper creden-
tials have first been recorded in the Clerk's office.

Filed in my
account this
day of
July 1896
J. H. Davis
Hall, Ia.
C. H.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 20 1902

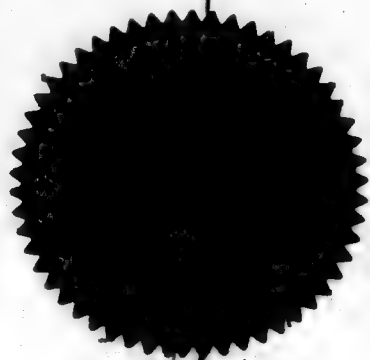

ACTING CHAIRMAN.

20-2-11

Nation.

Witness my hand and the
Great Seal of the Choctaw
Nation this 1st day of
November A.D. 1895.

J. B. Jackson
National Secretary
Choctaw Nation



An act admitting Whit W. Hyden
and his children to citizenship.

Sec. I Be enacted by the General Council
of the Choctaw Nation assembled,
that Whit W. Hyden and his

Children Frank Hyden aged 25
Grand Hyden aged 23 Lemard
Hyden aged 16 Sue Hyden aged
14 Whit Hyden 12 Ells Hyden
aged 10 Cleveland Hyden aged 7
Burgess Hyden aged 6 and
Ruth Hyden aged 3 be admitted
to all the rights and privileges
of citizens of the Nation
and this act take effect and
be in force from and after
its passage.

Approved October 31st 1893;

Jeff Gardner

R. C. C. N.

This is to certify that the foregoing
is a true and correct copy of the
original act of the General
Council of the Choctaw Nation
now on file in my office
at Tushka Humma, the
Capitol of the Choctaw

Choctaw Nation,

W. W. Hyden, et al.

To the Hon. Green McCurtain, Governor of the Choctaw Nation:

You are hereby notified that the depositions of Mrs. W. J. Hyden will be taken at her home at McGee, Indian Territory on the 25 day of February, 1899 before some officer authorized by law to take depositions, and said depositions when so taken, will be returned to the Hon. Tams Bixby, Chairman of the Dawes Commission, and will be offered on the part of ~~plaintiff~~ ^{defendants} on the trial of ^{this} ~~the~~ cause in which the Choctaw Nation is endeavoring to strike the names of Whit W. Hyden and others off of the rolls of citizenship of the Choctaw Nation.

Lester Bledsoe

Attys. for Defts.

I, Henry Willis, being duly sworn, on oath, state that I delivered a copy of the foregoing notice to the Hon. Green McCurtain, Governor of the Choctaw Nation at Sam Bo's on the 16 day of February, 1899.

Subscribed and sworn to before me this 18 day of February, 1899.

Sam Roberts Jr.

Notary Public.

Henry Willis
mark
my Commission Expires
May 25- 1900

W. W. Hyden, et al

v

Choctaw Nation.

The depositions of Nancy Hyden taken on the 25th
day of February, 1899 at the Residence of Nancy Hyden in
the town of McGee, Indian Territory in the Southern District, to
be read in evidence on behalf of plaintiffs in an action between
W. W. Hyden, et al, plaintiffs, and the Choctaw Nation, defendant
pending before the Dawes Commission.

my name is Nancy D. Hyden. my age
is 82 years. I am the widow of
Samuel Hyden, now deceased. my
husband died in September, 1876.

He and I were married December
25th 1847. My name before I married
Samuel Hyden was Nancy Dickhaut.
Whit W. Hyden is a son of
Samuel Hyden and myself. I know
the parents of Samuel Hyden, know
them well, know them from the
time I was a little girl about
8 years old till the time of their
death. His names were John
Hyden and Elizabeth Hyden. I know
them intimately. They being my father
and mother-in-law I lived with
them and around them for a great
number of years, about 20 years.
Elizabeth Hyden the mother of my
husband Samuel Hyden before
her marriage with John Hyden
was Elizabeth Brashers.

Elizabeth Brashers father's name was
Jesse Brashers and her mother's
name was Nancy Brashers.

They were from Pontotoc County Mississippi.
I first knew Elizabeth Hyden about
1825 and lived with them and near.

them till about 1845.

I knew the two brothers and a sister of Elizabeth Agem one of the brothers name was Martin Mosheers and one John Mosheers. John Mosheers was called "Lightfoot Jack" and his sister was named Dicy Mosheers. The two brothers looked very much like Indians their hair was very dark and very coarse and their skin was very dark. The Mosheers were known as Indians. ^{Elizabeth} ~~John~~

Mosheers afterwards ~~known~~ Elizabeth Agem and her sister and two brothers were considered Indians and passed as Indians all the time I knew them.

The people I knew during the time I knew the Mosheers and Elizabeth Agem are all dead or moved out of the country.

I know this for the reason that I applied for a pension in 1890 and could find none of them there. It was the understanding that the Mosheers were Cherokee Indians by blood. Elizabeth

Hyden and John Hyden lived
together as husband and
wife during all the time I
knew them and I married
their son Samuel Hyden.

Nathan Tompkins
J. B. Thompson Nancy ^{Hyden}
Elder Good mark
Willie Mapes.

2133-29

Choctaw Nation

VS.

Whit W. Hyden

File with

1-5609

62-8810

Indian Territory,
Southern District.

I, J. B. Thompson Notary Public in and
for the Southern District of the Indian Territory, do hereby certify
that the foregoing deposition of Nancy D. Hyatt were taken
before me, and were read to and subscribed by her in my presence
at the time and place and in the action mentioned in the caption,
the said Nancy D. Hyatt having first been sworn by me
that the evidence she should give in the action should be the
truth, the whole truth and nothing but the truth, and her statements
reduced to writing by me in her presence, no one
being present at the
examination but herself.

Given under my hand this February 25th 1899.

J. B. Thompson
Notary Public

Osbert, Indian Territory, June 11, 1909.

W. C. Farthing,

Mill Creek, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of June 8nd, in which you state that you can give no further information as to the time and place that Dall Jackson of Meese appeared as an applicant for enrollment or his full name. You are advised that the Commission is unable, from the information contained in your letter, to identify this party as being listed for enrollment as either a Choctaw or Chickasaw.

You also inquire whether one Whit Hiden of Meese, has been listed for enrollment as a Chickasaw, and you are advised that one Whit W. Hyden, fifty three years of age, of Meese, Indian Territory, together with his wife, Martha, and his four sons, Leonard, Cleveland, Whit, and Benjamin, and his three daughters, Ida, Milla and Ruth, have been listed as doubtful claimants to enrollment in the Choctaw Nation. Their right to final enrollment has not yet been passed upon by the Commission.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, October 18, 1900.

S. B. Tolbert,

Attorney at Law,

Center, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 10th instant in which you state that you have been advised that Whit Hyden claims a right to enrollment in the Chectaw nation as a citizen of the Chectaw Nation and that you have been further advised that he appeared before this Commission at South McAlester and also at Colbert at the recent session of the Commission at the latter named place.

You do not state what is the purpose of your writing the Commission at this time, whether to be informed if Mr. Hyden has been listed for enrollment by the Commission as a citizen of the Chectaw Nation or what information you desire.

You are informed, however, that the records of this Commission show that Mr. Hyden, his wife and his seven children have been listed for enrollment as doubtful claimants to citizenship in the Chectaw Nation by this Commission. The Commission has not at this time rendered any decision in their case nor will it be able to do so until after the first of March, 1901. As soon thereafter as practicable, the Commission will carefully consider all the testimony submitted in this case and render a decision either admitting or refusing the applicants' claim to citizenship in the Chectaw nation and a copy of such decision stating fully

July 7, 2

The reason for any action that the Commission may take will be
mailed to the applicant.

Yours truly,

Chairman

7-5-26

Muskogee, Indian Territory, March 1, 1901.

E. S. Hartin,

Maxwell, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 15th of February, in which you desire to be informed if Whit W. Hyden of McGee, Indian Territory, is a citizen of the Choctaw Tribe of Indians.

Replying to your inquiry the Commission has to inform you that on September 13th, 1898, Whit W. Hyden, 53 years of age with his wife, Martha Hyden, 45 years of age, and their children, Leonard, Ida, Whit, Ellen, Cleveland, Benjamin and Ruth Hyden were listed for enrollment as doubtful claimants to citizenship in the Choctaw Nation. It appears that the names of Whit Hyden and his family are on the 1896 tribal roll of the Choctaw Nation and that he was admitted to citizenship in the Choctaw Nation by the National Council thereof in 1895.

While the names of Mr. Hyden and his family were identified by the Commission from the 1896 tribal roll of the Choctaw Nation, it does not appear that they have ever been enrolled prior to that time and the Choctaw Nation is now contending that the act of admission by which they were granted citizenship in the Choctaw Nation, was procured by fraud.

S.S.H.S.

The rights of these parties to final enrollment as citizens of the Choctaw nation have not been fully determined by the Commission at this time.

Yours truly,

Acting Chairman

7-8-16

Hustings, Indian Territory, June 13, 1901.

Fitchell & Fyatt,

Attorneys at law,

Ponca Valley, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the first inst., in which you desire to be advised as to the status of the application for enrollment as a citizen by blood of the Cheater Nation of Whit W. Hyden and family of Moser, Indian Territory.

Replying to your inquiry, the Commission has to inform you that on September 15, 1896, Whit W. Hyden, 43 years of age, with his wife Martha Hyden, 42 years of age, and their children, Leonard, Joe, Whit, Ellen, Cleveland, Benjamin and Ruth Hyden, were listed for enrollment as described citizens to citizenship in the Cheater Nation. It appears that the names of Whit Hyden and his family are on the 1896 tribal rolls of the Cheater Nation and that he was admitted to citizenship in the Cheater Nation by the National Council thereof in 1896.

While the names of Mr. Hyden and his family were identified by the Commission from the 1896 tribal rolls of the Cheater Nation, it does not appear that they had ever been enrolled prior to that time, and the Cheater Nation is now contending that the act of admission by which they were granted citizenship

P. 42. 1-3.

in the Cherokee Nation was secured by fraud. The rights of these parties to final enrollment as citizens of the Cherokee Nation have not been fully determined by the Commission at this time.

Yours truly,

A. J. S. Chairman.

P-D-16.

Muskogee, Indian Territory, July 8, 1901.

Mr. J. J. Rotenberry,
Macon, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the last instant, in which you desire to be informed if D. W. and W. W. Ryden are on the rolls of citizenship of the Choctaw Nation.

Replying to your letter you are informed that information relative to the enrollment of persons as citizens of the Choctaw and Chickasaw Nations is only furnished to the applicants themselves, or to their duly authorized attorneys of record, who must be an attorney or agent admitted to practice before the Commission to the Five Civilized Tribes.

It does not appear that you have ever been so admitted to practice, and enclosed you will find a copy of the rules and regulations which have been promulgated. All attorneys or agents who desire to represent claimants before the Commission, will be required to comply with these rules.

For your convenience there is enclosed herewith a blank oath which may be executed to comply with Rule 4. Please see that the application is made in strict compliance with Rules 1, 4, 5 and 6.

Compliance with the regulations governing the recognition of

J. J. R. - 2.

attorneys and agents will be waived as to the inquiry made by you at this time, but you are requested to comply with these rules and regulations at as early a date as possible if you are desirous of representing claimants before the Commission.

Replying further to your inquiry and request, you are informed that it appears that on September 24, 1898, D. H. Hyden, of Hodge, Indian Territory, was listed for enrollment as a citizen of the Choctaw Nation, having been identified by the Commission from the 1896 Census Roll of Choctaws residing in the Chickasaw Nation, and that he was also admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Southern District of the Indian Territory, December 22, 1897, in Court Case No. 141.

As to the other person of whom you inquired, it appears that Whit W. Hyden, 63 years of age, of Hodge, Indian Territory, on September 13, 1898, made personal application for the enrollment of himself and wife and minor children as citizens of the Choctaw Nation. The names of these persons were duly identified as being upon the 1896 Census Roll of Choctaws residing in the Chickasaw Nation, but the Commission did not at that time feel warranted in listing them for enrollment, and their names were placed upon the list of doubtful claimants to enrollment in the Choctaw Nation.

It is impossible to inform you at this time as to any further

S. J. R.--3,

action relative to the rights to enrollment of these persons.

Yours truly,

Commissioner in Charge.

P-5379
P-D-16
D-3-63

Copy

Choctaw D-16

Muskogee, Indian Territory, February 25, 1902.

Whit W. Hyden,
Mogee, Indian Territory.

Dear Sir:

You are hereby notified that your application for the enrollment of yourself, your wife, Martha Hyden and your minor children, Leonard, Ida, White, Ella, Cleveland, Benjamin and Ruth Hyden, as citizens of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the last day of April, 1902.

On said date you may if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Choctaw Nation will also, at the same time be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

T.B. NEEDLES

Commissioner in Charge.

Register

12
Copy

Choctaw D-16.

Muskogee, Indian Territory, February 25, 1902.

Frank S. Hyden,
Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that your application for the enrollment of yourself, your wife, Georgia Hyden, and your minor children, Maude Hyden, Eva Marguerite Hyden, and Ahpalahoma Hyden as citizens of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 1st day of April 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

T. B. Needles,
Commissioner in Charge.

Choctaw D 16

Muskogee, Indian Territory, April 12, 1908.

Knobetter & Bladsoe,

Attorneys at Law,

Armore, Indian Territory.

Gentlemen:

Your letter of the 8th instant to Mr. Chiles Riley has been by him referred to this Commission for answer.

Therein you state that Mr. Ryden informs you that the original certificate admitting him to citizenship in the Choctaw Nation was left with the Commission and you desire to be informed if the same is on file.

Replying to your letter you are informed that neither the original or a certified copy of the certificate admitting W. W. Ryden to citizenship in the Choctaw Nation is on file with the records of this office for the matter of his application for enrollment as a citizen of the Choctaw Nation.

Yours truly,

Commissioner in Charge.

Chootaw D 16
Chootaw 272

Muskogee, Indian Territory, April 26, 1902.

Ledbetter & Bledsoe,
Attorneys at Law,
Ardmore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 21st instant, enclosing a certified copy of the act of the National Council of the Chootaw Nation of October 31, 1895, admitting to citizenship in the Chootaw Nation, Whit W. Hyden and his children, to be filed in the matter of the application of the said Whit W. Hyden and his children for enrollment as citizens by blood of the Chootaw Nation.

You are advised that the original paper submitted in your letter of the 21st instant has been filed in the matter of the application of Whit W. Hyden for the enrollment of himself and his minor children as citizens by blood of the Chootaw Nation and his wife, Martha Hyden as a citizen by intermarriage of the Chootaw Nation, and a copy thereof filed with the records of the Commission in the matter of the application of Frank S. Hyden for the enrollment of himself and his three minor children as citizens by blood of the Chootaw Nation and for his wife as a citizen by intermarriage of the Chootaw Nation.

The Commission notes that the act of the National Council of the Choctaw Nation of October 31, 1895, admitted to Choctaw citizenship one, Maud Hyden, 23 years of age. We are unable to identify the Maud Hyden so admitted by the act of the National Council above referred to, as having been listed for enrollment by this Commission as a citizen of the Choctaw Nation.

You are therefore requested to advise this office as early as practicable whether Maud Hyden has died since the act of admission of October, 1895, or if she has married and if so, advise her present married name and also the time and place that application was made to this Commission for her enrollment, so that she may be properly identified upon our records.

In the event that Maud Hyden is now living and upon her proper identification upon our records, a copy of the act of the Choctaw Council of October 31, 1895 will be filed with the records of the Commission in the matter of her enrollment as a citizen of the Choctaw Nation.

Yours truly,

Commissioner in Charge.

Chectaw D 16

Muskogee, Indian Territory, July 18, 1902.

A. F. Cash,

McGee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 7th instant, in which you desire to be advised if Whit W. Hyden is enrolled as a Chectaw.

You are advised that it appears from our records that on September 12, 1898, Whit W. Hyden, 53 years of age, of McGee, Indian Territory, made application to this Commission for the enrollment of himself and his family as citizens of the Chectaw Nation.

The Commission has not up to this time rendered a decision in the matter of such application but when a decision is rendered, Mr. Hyden will be advised thereof and of the forwarding of the record in the case to the Secretary of the Interior for review.

Yours truly,

Acting Chairman.

Chectaw D 16

Muskogee, Indian Territory, October 28, 1902.

Ledbetter & Bledsoe,

Attorneys at Law,

Ardmore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 24th instant, enclosing copy of the act of the Chectaw Council admitting Whit W. Hyden and his children to citizenship in the Chectaw Nation, and the same has been duly filed with the records of this office in the matter of the application of Whit W. Hyden for the enrollment of himself and his family as citizens of the Chectaw Nation.

Respectfully,

Acting Chairman.

Choctaw D 16

Muskogee, Indian Territory, November 13, 1902.

G. W. Patchell,

Pauls Valley, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 7, in which you desire to be advised if a final decision has been rendered in the matter of the application of Whit W. Hyden and family for enrollment as citizens of the Choctaw Nation.

In reply to your letter you are advised that on November 12, 1902, the Commission rendered its decision granting the application for the enrollment of Whit W. Hyden and his minor children, Leonard Hyden, Ida Hyden, Whit Hyden, Ella Hyden, Cleveland Hyden, Benjamin Hyden and Ruth Hyden as citizens by blood of the Choctaw Nation and the principal applicant has on this date been advised of the said decision and the attorneys for the Choctaw and Chickasaw Nations have been allowed fifteen days from November 13, 1902, within which to file protest against their enrollment.

Respectfully,

Acting Chairman.

COPY

Choctaw D 16

Muskogee, Indian Territory, November 18, 1902.

Hansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered November 12, 1902, granting the application for enrollment as citizens of the Choctaw Nation of Whit W. Hyden and his minor children, Leonard Hyden, Ida Hyden, Whit Hyden, Ella Hyden, Cleveland Hyden, Benjamin Hyden and Ruth Hyden, as citizens by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the said Whit W. Hyden, Leonard Hyden, Ida Hyden, Whit Hyden, Ella Hyden, Cleveland Hyden, Benjamin Hyden and Ruth Hyden, as citizens of the Choctaw Nation, and make satisfactory proof of service of said protest upon the applicants herein. If you fail to file a protest within the time allowed, these applicants will be regularly listed for enrollment.

Respectfully,

Register.
Choctaw D 16

RECORDED

James D. Day,
Acting Chairman.

COPY

Choctaw D-15

Muskogee, Indian Territory, November 13, 1902

Whit W. Hyden,
McGee, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission, rendered November 12, 1902, granting the application for enrollment as citizens of the Choctaw Nation of Whit W. Hyden and his minor children, Leonard Hyden, Ida Hyden, Whit Hyden, Ella Hyden, Cleveland Hyden, Benjamin Hyden and Ruth Hyden, as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nation have been furnished a copy of this decision, and have been allowed fifteen days from this date within which to file protest against your enrollment and the enrollment of your minor children as citizens by blood of the Choctaw Nation, and if, at the expiration of that time, no protest has been filed, you and your said children will be regularly listed for enrollment as citizens of the Choctaw Nation.

Respectfully,

(SIGNED) *Tamm Dickey*

Acting Chairman.

Register.
AB 1-13

COPY.

Chectaw B 16

Muskogee, Indian Territory, November 13, 1902.

Ladbetter & Blodgett,

Attorneys at Law,

Armore, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered November 12, 1902, granting the application for enrollment as citizens of the Chectaw Nation of Whit W. Hyden and his minor children, Leonard Hyden, Ida Hyden, Whit Hyden, Ella Hyden, Cleveland Hyden, Benjamin Hyden and Ruth Hyden, as citizens by blood of the Chectaw Nation.

You are also advised that the Attorneys for the Chectaw and Chickasaw Nations have been allowed fifteen days from this date within which to file a protest against the enrollment of the said Whit W. Hyden and his minor children above named, and if, at the expiration of the said fifteen days, no protest has been filed, the applicants above named will be regularly listed for enrollment as citizens of the Chectaw Nation.

Respectfully,

(SIGNED)

Acting Chairman.

Register.
AB 2-12

7-2-16.

Muskogee, Indian Territory, November 24, 1902.

L.P. Shi,

McGee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th inst., enclosing the marriage license and certificate between W.B.W. Mitchell and Ida Hyden, February 27, 1900; and the same have been duly filed with the records of the Commission as authority for the change of the name of Ida Hyden upon our records from her maiden name to her present married name of Ida Mitchell.

Receipt is also acknowledged of the application for enrollment as a citizen of the Choctaw Nation of William Bryant Marion Mitchell, infant son of W.B.W. Mitchell and Ida Mitchell, born October 9, 1902.

You are informed that the Commission is without authority to enroll this child as a citizen of the Choctaw Nation, it appearing that said child was born October 9, 1902, subsequent to the ratification by the citizens of the Choctaw and Chickasaw Nations on September 25, 1902, of an act of Congress approved July 1, 1902 (32 Stat., 841).

L P 3 2

Section twenty-eight thereof provides as follows:

"The names of all persons living on the date of the final ratification of this agreement entitled to be enrolled are provided in section 27 hereof shall be placed upon the rolls made by said Commission; and no child born thereafter to a citizen or freedman and no person intermarried thereafter to a citizen shall be entitled to enrollment or to participate in the distribution of the tribal property of the Choctaws and Chickasaws."

Respectfully,

Acting Chairman.

7-5609.

Muskogee, Indian Territory, December 17, 1902.

Ledbetter & Bledsoe,

Attorneys at Law,

Armore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 8th inst., in which you acknowledge receipt of a copy of the decision of the Commission granting the application for enrollment of Whit W. Hyden and family as citizens of the Choctaw Nation; and ask if any protest was filed by the Choctaw and Chickasaw Nations within the fifteen days allowed for that purpose.

You are advised that no protest against the enrollment of Whit W. Hyden and family was filed by the Choctaw and Chickasaw Nations, and Whit W. Hyden and his minor children, Leonard, Ida, Whit, Ella, Cleveland, Benjamin and Ruth Hyden, have been listed for enrollment as citizens of the Choctaw Nation.

Respectfully,

Acting Chairman.

7-5182

Muskogee, Indian Territory, October 7, 1903.

S. E. Lewis,

McGee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 26th, asking what disposition has been made of the application of Martha Hyden, wife of Whit W. Hyden, for enrollment as an intermarried citizen of the Choctaw Nation.

In reply to your letter, you are informed it appears from our records that Martha Hyden, wife of Whit W. Hyden, was admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Southern District of Indian Territory, rendered at Ardmore, Indian Territory, December 22, 1897, in Court Case (Citizenship Docket), number 141.

It further appears that the case of Martha Hyden is now pending before the Choctaw-Chickasaw Citizenship Court, and under the provisions of the Act of Congress of July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations on September 25, 1902, the Commission is prohibited from enrolling or making any allotment of land in the Choctaw and Chickasaw Nations to persons whose rights are dependent upon judgments of the United States Courts in Indian

S.B.L.

-2-

Territory, until their citizenship has been finally determined.

Respectfully,

Chairman.

7-5609

Muskogee, Indian Territory, November 2, 1903.

Mrs. Mary Ann Jones,
Hickory, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of October 26, in which you ask if Whit Hyden and William Hyden are on the rolls as court claimants.

In reply to your letter you are informed that it appears from our records that Whit W. Hyden and his children, Leonard, Whit, Ella, Cleveland, Benjamin and Ruth Hyden and Ida Mitchell, have been enrolled by this Commission as citizens by blood of the Choctaw Nation, and on March 19, 1903, their enrollment as such was approved by the Secretary of the Interior. It is presumed that these are the persons you referred to in your letter.

You are further informed that the persons above named are now entitled to make selection of their allotments upon their personal appearance at the land office for the nation in which their land is located.

Respectfully,

Chairman.

Choctaw 5609

Muskogee, Indian Territory, June 29, 1904.

Ledbetter & Bledsoe,

Attorneys at Law,

Ardmore, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of June 23, stating that there is on file in the case of W.W. Hyden versus the Choctaw Nation the deposition of Mrs. Nancy D. Hyden, taken before J. B. Thompson, Notary Public, and asking, as the Citizenship Court refuses to receive the certified copy thereof which was forwarded by the Commission some time ago, that you be permitted temporarily to withdraw the original deposition filed in this case for the purpose of allowing the Notary Public who took the deposition to refresh his memory about the deposition made by Mrs. Hyden as the Citizenship Court insists that you should prove the pedigree of the family as given in this deposition by the Notary Public who took the same.

In compliance with your request there is inclosed you herewith the original deposition of Nancy D. Hyden, which was filed with the record in the matter of the application of Whit W. Hyden, et al, for enrollment as citizens of the Choctaw Nation. Please return the same as early as practicable for the files of this office.

Respectfully,

Choctaw 5609

Muskogee, Indian Territory, April 27, 1904.

Ledbetter & Bledsoe,

Attorney at Law,

Ardmore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 19, asking for a certified copy of the deposition of Mrs. Nancy D. Hyde taken in the matter of the application of Whit W. Hyden for enrollment as a citizen of the Choctaw Nation.

In compliance with your request there is inclosed you herewith certified copy of the deposition of Nancy D. Hyde, taken on February 25, 1899, in the matter of the application of Whit W. Hyden et al. for enrollment as citizens of the Choctaw Nation.

Respectfully,

Chairman.

AB 1-27

7
7
7-4072
7-4072
Muskogee, Indian Territory, June 18, 1904.

S. T. Blodgett,

Attorney at Law,

Armore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 3, 1904, in which you ask for certificates showing that Frank S. Hyden and Whit W. Hyden and the members of his family are enrolled as citizens of the Choctaw Nation, and state that you desire these certificates for use before the Citizenship Court.

In compliance with your request there are enclosed herewith certificates showing the enrollment of Whit W. Hyden and his family, and Frank S. Hyden.

Respectfully,

Chairman.

No. 125

Washington, Indian Territory, July 12, 1902

Mr. J. B. Lister

Attorney at Law

Lawton, Indian Territory

Sir:

Receipt is hereby acknowledged of your letter of the 5th
instant regarding the deposition of Henry Wilson taken in the case
of E. E. Wilson et al., vs. Charles Wilson.

Respectfully,

Wm. H. Lister

7-5133

Muskogee, Indian Territory, March 25, 1905.

W. B. M. Mitchell,

Attorney at Law.

Pauls Valley, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 18, 1904, asking what has been done with the application of Martha Hyden for enrollment as an intermarried citizen of the Choctaw Nation.

In reply to your letter you are informed that on November 23, 1904, the Choctaw and Chickasaw Citizenship Court denied the application of Martha Hyden as an intermarried citizen of the Choctaw Nation in case No. 48 on the Tishomingo docket.

Respectfully,

Chairman.

Choctaw 372
Choctaw 5182

Muskogee, Indian Territory, June 23, 1906.

Ledbetter & Bledsoe,

Attorneys at Law,

Pauls Valley, Indian Territory.

Gentlemen:

In compliance with your personal request there are inclosed herewith certificates showing the tribal enrollment on the 1896 census roll of the Choctaw Nation of Georgia, Martha and Eva Marguerite Hyden.

Respectfully,

Chairman.

AB 3-23 (A)

Washington, Indian Territory, July 11, 1905.

Charles von Weise,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 5, 1905, asking if an application was ever made for the enrollment of Nina or Nellie Hayden, wife of Leonard Hayden, as an intermarried citizen of the Choctaw Nation.

In reply to your letter you are advised that it does not appear from the records of this office that application was made to the Commission to the Five Civilized Tribes prior to December 25, 1904, for the enrollment of Nina or Nellie Hayden, wife of Leonard Hayden as an intermarried citizen of the Choctaw Nation. There is now no provision of law for the reception of original application for enrollment in either of said nations.

Respectfully,

Commissioner.

DC 46577

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

ILL

I.T.D. 9748-1905.
IRS

October 5, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

July 21, 1905, you reported relative to the right to enrollment of Martha Hyden and Georgie Hyden as citizens by intermarriage^a and Evvie Hyden as citizen by blood of the Choctaw Nation.

You reported that the names of Martha Hyden and Georgie Hyden are found on the 1896 Census Roll of the Choctaw Nation, Chickasaw District, as intermarried citizens, opposite Nos. 14665 and 14666, respectively, and that the name of Emma Hyden, which applicants claim should have been Evvie Hyden, appears upon the 1896 Census Roll as a citizen by blood of said Nation, opposite No. 6165 thereon.

By ~~an~~ act of the Choctaw National Council approved October 31, 1905, Whit W. Hyden and his son, Frank Hyden, along with other named children, were adopted and admitted to all the rights and privileges of citizens of the Choctaw Nation. The name of Martha Hyden, wife of Whit W. Hyden, and Georgie Hyden, wife of Frank Hyden, and Emma Hyden are omitted from said act.

Under the act of June 10, 1896, Martha Hyden, wife of said Whit W. Hyden, and Georgie Hyden, wife of said Frank Hyden, and her child, Eva Marguerite Hyden, applied to the Commission under the act

of June 10, 1896, for admission to citizenship in the Choctaw Nation and were denied. On appeal to the United States Court for the Southern District of Indian Territory, the decision of the Commission was reversed and applicants above named were admitted to citizenship. Appeal therefrom was taken to the Choctaw and Chickasaw Citizenship Court, which court, on November 28, 1904, in the case of J. W. Hyden et al. vs. Choctaw and Chickasaw nations, No. 48 on the Tishomingo docket thereof, decided adversely to the applicants, especially naming therein the claim of Whit W. Hyden as fraudulent. Applicants claim that their names were involved in said appeal without their consent, and they moved the court to dismiss the appeal as to them, which motion was denied and judgment was rendered against them. The names of applicants appearing on the 1896 Census Roll of the Choctaw Nation coupled with the fact of their adoption on October 31, 1895, as citizens of the Choctaw Nation by special act of the General Council of that date, the Choctaw and Chickasaw Citizenship Court was without jurisdiction to pass upon their case, and applicants are not precluded by the decision of said court from a hearing of their claims upon their merits.

You ask whether the adoption of the husband to citizenship in the Choctaw Nation confers citizenship upon the wife, although not named in the act, she having married her husband prior to his adoption as a citizen. Van Dyne on Citizenship of the United States, page 122, says: "Whenever a woman, who under previous acts might be naturalized, is in a state of marriage to a citizen, whether his citizenship existed at the passage of the act or subsequently, or before or after marriage, she becomes, by that fact, a citizen also. His citizenship, whenever it exists, confers under the act citizen-

ship upon her," and quoting from Kane vs. McCarthy, 68 U.S., 599, he also stated on page 139 that the court said: "It can in no possible view make any difference whether the marriage ceremony is performed first and then the husband becomes a citizen, or whether he becomes a citizen and the marriage afterwards takes place. Whenever the two events occur and come together she is a woman married to a citizen." See also 14 Ops. Atty. Gen., 406.

The same view was entertained by the Department in the enrollment case of Elizabeth C. Mulkey as an intermarried citizen of the Cherokee Nation, decided June 5, 1902, (I.T.D. 3416).

You are requested to notify applicants that you will grant them a hearing on the merits of their claims. You are further requested to inquire into the fact whether the passage of the act of the General Council of the Choctaw Nation approved October 31, 1895, admitting Whit W. Hyden et al. was procured by fraud, as declared by the Choctaw and Chickasaw Citizenship Court in the case of J. W. Hyden et al. No. 48 on the Tishomingo docket.

Respectfully,

Thos. Ryan,

Acting Secretary.

Through the
Commissioner of Indian Affairs.

7-5609

Muskogee, Indian Territory, October 24, 1906.

S. T. Bledsoe,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 18, 1906, asking if the names of Georgia Hyden and others have been placed upon a schedule prepared for forwarding to the Secretary of the Interior.

In reply to your letter you are advised that the decision enrolling Georgia Hyden and Martha Hyden as citizens by intermarriage of the Choctaw Nation and Eva Marguerite Hyden as a citizen by blood of the Choctaw Nation has been forwarded the Secretary of the Interior but their names have not yet been placed upon schedules of citizens of said nation prepared for forwarding the Department. You will be notified of the action of the Secretary of the Interior on this decision.

Respectfully,

Commissioner.

9764-1909

Muskogee, Oklahoma, April 17, 1909.

Mr. Whit W. Hyden,
Stratford, Oklahoma,
Sir:

Receipt is hereby acknowledged of your letter of April 15, asking if your wife, Martha Hyden, has been restored to the roll and requesting to be advised fully as to the status of her case.

In reply you are advised that on March 4, 1909, the Secretary of the Interior cancelled the enrollment of your wife, Martha Hyden, upon the roll of Choctaws by Marriage, and her name has not yet been restored thereto. You are informed, however, that on March 2, 1909, the Department requested a report in the matter of the enrollment of Martha Hyden, and a full report was made to the Department, in response to this request, on March 12, 1909.

Respectfully,

Commissioner.

CGA

C. E. W.

Washington. Aug 9 1909

D-7205.

Chestaw Citizenship,

File 6-51.

Martha Hyden et al.

Commissioner of Indian Affairs.

Sir:

The Department has considered your report of May 5, 1909, relative to the enrollment of Martha and Georgia Hyden as citizens by intermarriage, and of Eva Marguerite Hyden as a citizen by blood, of the Chestaw Nation.

The record shows that the names of Martha and Georgia Hyden were upon a roll of citizens approved by the Secretary of the Interior February 12, 1907, and that afterwards, March 4, 1907, without notice or opportunity to be heard, the Secretary directed that their names be stricken from said roll. Under the decision in *Garfield v. Goldsby*, 211 U.S., 249, the Secretary, in this respect, exceeded his authority; and the parties are consequently entitled to restoration to the rolls.

You are therefore directed to cause the lines and notations upon the approved rolls of the Chectaw Nation in your custody purporting to cancel the names of Martha and Georgia Hyden to be erased by noting thereon the following:

"Words and lines purporting cancellation
erased by authority of departmental letter of August 9, 1909 (File 5-51)."

Similar instructions are this day issued to the Commissioner to the Five Civilized Tribes concerning the rolls in his custody, and this letter will be authority for like action respecting the rolls in the custody of the Secretary of the Interior.

The case of Eva Marguerite Hyden differs materially from the others in that her name was never on an approved roll, although by departmental decision of November 17, 1906, her right to be upon such a roll was favorably adjudicated. However, when a roll containing her name was submitted, it was disapproved by the Secretary, March 4, 1907. This was a final judgment against her claim. The case is precisely like that of Minerva F. Swadley this day determined by the Department; and the reasons there obtaining consequently apply with equal force to the status of Eva Marguerite Hyden. The Secretary having no power now to place her name upon an approved roll, no further action can or will be taken in respect to her claim. The papers are herewith returned.

Very respectfully,

(Signed) Jesse E. Wilam.

-2- First Assistant Secretary.

1-24242

Land-
64138-1909
J E D

Washington. Aug 18 1909

Enrollment case
of Martha Hyden, et al.

The Commissioner

to the Five Civilized Tribes,

Muskogee, Oklahoma.

Sir:

Referring to the report of March 12, 1909, from the
Acting Commissioner to the Five Civilized Tribes relative to
the Chectaw enrollment case of Martha Hyden, et al, there is
transmitted herewith for your information and guidance, a copy
of Department decision of August 9, 1909, in the case. You
are requested to notify the parties in interest.

Very respectfully,

John Francis Jr.

Acting Chief Clerk.

Abstract Roll.

Cards 272 and D 16

Is Frank Hayden, Card
272 a son of Whit and
Martha Hayden, Card D. 16.?

If on both cards
should be one color.

Page 47
Chick. Dist.

Howard - age 19
on Rail Lumber - C.C.R. No 2
page 258

Ida age 17 "

Robert age 15 "

John age 10 "

Isabel age 11 "

George age 7 "

Robert W. Hyden
age 53

C.C.R. No 2
Chick Dist. page

Christine Reading in
Chick Dist.

Doubtful

(white card)

atp
But by 5/16

Martha Hyde
+
Choe.

Ad 141, Dec 22 98

Note: Admitted as ex
intermarried citizen
Coff

Choc 5610

Watson Tonihka

5610

Original
Choctaw
DELINQUENT.

Department of the Interior.
Commission to the Five Civilized Tribes.
Garvin, I. T., November 27, 1902.

-----oOo-----

In the matter of the application for enrollment as a citizen by blood of the Choctaw Nation of Waston Tonihka.

Waston Tonihka being first duly sworn testified as follows through Hopewell T. Lawachubbee, sworn Choctaw interpreter.

Examination by the Commission:

- Q What is your name? A Waston Tonihka.
Q How old are you? A Sixteen.
Q What is your post office address? A Eagletown.
Q What is the name of your father? A Solomon Tonihka.
Q Is he living? A Dead.
Q What is the name of your mother? A Susan.
Q Is she living? A Yes sir.
Q Where were you born? A In Eagle County.
Q Did you get your share --pro rata share--of the leased district money paid in 1893? A I don't remember, I was a little fellow then.
Q Did any one ever call your first name Aston? A No.
Q Have you got any brothers or sisters? A Yes sir.
Q What is the name of your eldest brother living? A I have no brother living.
Q Have you got a sister living? A Yes sir.
Q What is her name? A Sally and Incy.
Q How old is Sally? A She is about fourteen.
Q Is she older than you or younger than you? A Younger than me.
Q How old is Incy? A She is seven years old.
Q Is Susan Tonihka, your mother, married to anybody now? A Yes, she has been married to other fellows but has separated.
Q Have you always lived with your mother? A Yes sir.
Q And you are still living with your mother? A Yes sir.

Applicant excused.

Alachubbee being called as a witness and duly sworn, testified as follows through Hopewell T. Lawachubbee, sworn Choctaw interpreter:

- Q What is your name? A Alachubbee.
Q How old are you? A Forty-eight.
Q What is your post office address? A Eagletown.
Q Do you know this applicant Waston Tonihka? A Yes sir.
Q How long have you known that boy? A Been knowing him ever since he was a little child.
Q What was his father's name? A Solomon Tonihka.

Waston Tonihka---2.

Q Is he living or dead? A Dead.
Q When did he die? A About eight years ago.
Q Do you know his mother? A Yes sir.
Q What is her name? A Susan Tonihka.
Q Is she a citizen by blood of the Choctaw Nation? A Yes sir, she is a citizen of the Choctaw Nation by blood.
Q Do you know if this boy received his pro rata share of the 1893 leased district payment? A Yes sir.
Q Who was it paid to? A To his father.
Q Then Solomon Tonihka was living in 1893? A Yes sir, he was still living at that time.
Q And this little boy has always been living with his mother?
A Yes sir.

Witness excused.

Barnett Wade being called as a witness and duly sworn, testified as follows through Hopewell T. Lavechubbes, sworn as Choctaw Interpreter.

Q What is your name? A Barnett Wade.
Q How old are you? A Twenty-five years.
Q Are you a citizen by blood of the Choctaw Nation? A Yes sir.
Q Do you know Waston Tonihka? A Yes sir.
Q How long have you known him? A Been knowing him since he was a little child.
Q Do you know when the leased district payment was made in 1893?
A Yes sir.
Q Was you there? A Yes sir.
Q Do you know that this boy got the money or did his father get it? A It was paid to his father.
Q What is the name of his father? A Solomon Tonihka.
Q Is he living or dead? A Dead.
Q What is the name of his mother? A Susan Tonihka.
Q Was Solomon Tonihka living in 1893? A Yes sir.
Q But he died before 1896? A 1894; he died in 1894.

The name of Waston Tonihka, nine years of age, is found on page 317 of the 1896 Choctaw census roll, No. 12213.

Albert G. McMillan being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 27th day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 27th day of November, 1902.

[Signature]

Choc 5611

Willis Jones

5611

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Ind. Ter., November 20, 1902.

Choctaw
Original
Delinquent.

In the matter of the application of Willis Jones for enrollment as a citizen by blood of the Choctaw Nation.

Willis Jones, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

Q What is your name? A Willis Jones.
Q How old are you? A Twenty eight.
Q What is your post office address? A Matoy, Indian Territory.
Q What nation is that in? A Choctaw.
Q How long have you been a resident of the Choctaw Nation? A All my life.
Q Never lived any where else? A No sir.
Q Are you a recognized and enrolled citizen of the Choctaw Nation? A Yes sir.
Q Your rights have never been disputed? A No sir.
Q What was the name of your father? A Thomas Jones.
Q Is he living? A No sir.
Q Was he a Choctaw Indian? A Yes sir.
Q What was the name of your mother? A Seana Jones.
Q Is she living? A No sir.
Q Was she a Choctaw Indian? A Yes sir.
Q How much Choctaw blood do you claim to possess? A Full blood.
Q Did you ever make application before this Commission for enrollment before the present time? A No sir.
Q Have you always drawn money and been enrolled with the Choctaw Indians? A Yes sir.
Q Did you draw what is known as the Leased District payment in 1898? A Yes, I drew \$103.00.
Q Where were you living at that time? A Jackson county.
Q Were you known by the name of Willis Jones? A Yes sir.
Q You drew the money yourself? A Yes sir.
Q Were you enrolled with the Choctaw tribe in the census roll of 1896? A Yes sir.
Q Where were you living at that time? A Jackson county.
Q What is the reason you have never appeared before the Commission before this time? A I was not at home when they was here, and by the time I had come back from Cade they had gone and I never followed them up.
Q Are you married? A Yes sir.
Q What is the name of your wife? A Eugene Lellers.
Q Is she a Choctaw Indian? A Yes sir, she is already enrolled.
Q Have you any children? A No sir.

Harry C Risteen being first duly sworn upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled matter on the 20th day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes.

Willis Jones-----2

of said proceedings on said date.

Harry Chute

Subscribed and sworn to before me this 26 day of November, 1902.

J. J. Barne
Notary Public.

Choc 5612

Silvina Mashintubi

5612

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment as a
citizen by intermarriage of the Chectaw Nation of - - -

Mary Miashintubi.

7-5612.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

MADE IN REPLY TO THE FOLLOWING

Chootaw Special.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

Mary Miashintubbi,

Bethel, Indian Territory.

Dear Madam:

You are hereby notified that from an examination of the 1896 tribal census roll of the Chootaw nation in the possession of the Commission to the Five Civilized Tribes it appears that the name of Mary Miashintubbi is enrolled thereon at page 384, No. 14821; whereon also appears the following notation: "Mexican."

It does not appear from the records of the Commission that you have ever appeared in person before the Commission and made application to be enrolled as a citizen of the Chootaw Nation. You are therefore notified that this matter will be taken up for final consideration by the Commission at its office in Muskogee, Indian Territory, on Monday, the 19th day of May, 1902. On said date you may, if you so desire, appear before the Commission in person or by attorney and introduce testimony affecting your right to enrollment by the Commission to the Five Civilized Tribes, under the following provisions of the act of Congress of June 28, 1896:

MM 2

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (than Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Cherokee and Chickasaw citizenship under the treaties and the laws of said tribes."

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

The representatives of the Cherokee Nation may at the same time introduce testimony affecting your right to enrollment, provided they give you ten days previous notice of their intention to do so.

Yours truly,



Acting Chairman.

Register.

Comptrolleur en chef

more than 100

1990

(COPY)

The Hon. Commission

501717 Yours etution was for me to come it is so I cant come I am old
and my helt is gon week and I have no money to goe an you have my
marrige certificate to both of my husbins tobis Winship and Ben
Miyashenluby if you think I have a wright you can take me but my
children thay have a wright and no dout about it
thay fathers was both full Blood Choctaws me Mary Miyashutaby I am
old and my lief is short my helt is gon so you can do as you please
with me

I tried to go but my helt is not able my children is Choctaw by
Blood you have thay are fathers and mothers marrige
certificate in your office This is all that I can do let me hear
what you do with me soon as you can

Yours truly sister

Mary Miyashutaby.

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw D 135

Muskogee, Indian Territory, July 18, 1902.

Mary Miysentuby,

Bethel, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter without date in which you state your inability to personally appear before the Commission for the purpose of submitting your application for enrollment as a citizen of the Choctaw Nation.

You also refer in your communication to the fact that there is now on file with this office the certificate of your marriage to Barnes Miashintubi.

Replying to your communication and relative to your right to be enrolled as a citizen of the Choctaw Nation, you are advised that there is now on file with our records the certificate of E. G. Brewer as to the marriage of Bond Miashintubby and Mary _____ on the 7th day of April, 1881 and your name is also found upon the 1896 tribal roll of the citizens of the Choctaw Nation as a citizen by intermarriage of the Choctaw Nation with the notation "Mexican".

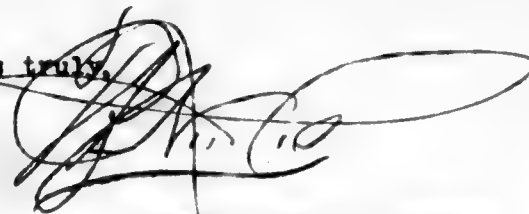
No application has, however, been submitted to this Commission for your enrollment as a citizen either by blood or intermarriage of the Choctaw Nation and your attention is respect-

MM 2

fully invited to the rules and regulations of this Commission and the Department of the Interior, requiring that applicants for enrollment as citizens of the Choctaw Nation must personally appear before the Commission for the purpose of examination under oath.

In view of the probability of some early date being fixed or agreed upon terminating the time within which the Commission can receive and consider applications of persons for enrollment as citizens of the Choctaw Nation, it is advisable if you anticipate making such application that you do so as early as practicable.

Yours truly,

A handwritten signature in dark ink, appearing to be "J. M. C.", written over the typed name "J. M. C.".

Commissioner in Charge.

C O P Y

DEPARTMENT OF THE INTERIOR,

JP

WASHINGTON.

LLB

I.T.D.7701-1904.

September 13, 1904.

D.C. 33651

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a letter of August 30, 1904, from Thos. J. Tate, Bethel, I.T., submitting certain letters from your Commission relative to the claim of Mary Mashintubby (Misentuby or Miashintubbi) as an intermarried citizen of the Choctaw Nation.

It is requested that you advise the party to make a formal application to to your Commission at once for enrollment.

Should you refuse to entertain the application transmit all the papers to the Department with report showing specifically your reasons for rejecting the application.

Apparently the party has had an informal application before you since April, 1902, and should be given an opportunity to appear and be heard in the matter.

Respectfully,

Thos Ryan,

Acting Secretary.

6 inclosures.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary Miashintubi for enrollment as a citizen by intermarriage of the Choctaw Nation.

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From the record in this matter it appears that Mary Miashintubi appeared in person before the Commission, on July 11, 1904, at Muskogee, Indian Territory, and presented testimony in support of her contention that she had theretofore made application for enrollment as a citizen by intermarriage of the Choctaw Nation.

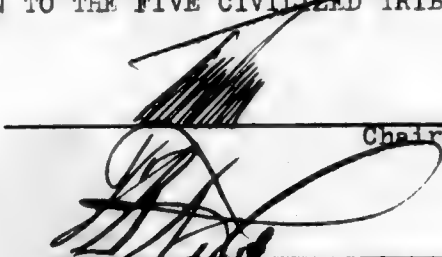
From her testimony given at that time, it appears that she is about 59 years of age, was born in the Choctaw Nation, and has lived in the Indian Territory all her life, being now a resident of Bethel, in the Choctaw Nation; that she has been married twice, her first husband being Tobias Winship, and her second husband being Barnes Miashintubi; that by her first husband she had five children, two of whom are dead, and two of whom, Simeon Winship and Isaac Winship, are recognized and enrolled citizens by blood of the Choctaw Nation; that by her second husband she had two children, Silvina Miashintubi and Martha Miashintubi, both of whom were recognized and enrolled as citizens by blood of said Nation; that she claims the right to enrollment as a citizen by intermarriage of the Choctaw Nation; that she was married to Tobias Winship "more than thirty years ago" and lived with him until his death, and thereafter (apparently in 1881) married Barnes Miashintubi, and lived with him until his death.

It further appears from the record that on April 17, 1902, a letter was written to said Mary Miashintubi by this Commission, notifying her that from an examination of the 1896 tribal census roll of the Choctaw Nation it appeared that her

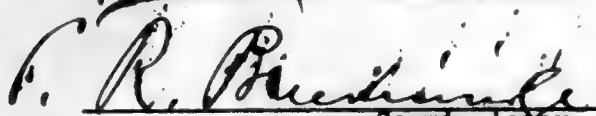
name was enrolled thereon, but that the records of the Commission failed to show any application made by her for enrollment, and in said letter she was notified to appear in person before the Commission on May 19, 1902, for the purpose of making application for enrollment. To this letter a reply was received by the Commission on July 5, 1902, in which reply she states "I tried to go but my belt is not able xxxxxxxxxxxxxxxx This is all that I can do. Let me hear what you do with me as soon as you can".

It is the opinion of this Commission that the letter received on July 5, 1902, above referred to, should be construed as an application by said Mary Miashintubi for enrollment as a citizen by intermarriage of the Choctaw Nation made within the time limited by the act of Congress approved July 1, 1902 (32 Stat., 641), and that the Commission should now proceed to hear and determine said application, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

JAN - 6 1905

CERTIFIED COPY.

Office of E. G. Brewer,
Minister of the Gospel.

to the Hon. Clerk

N Co. C. N.

This is to certify that Bond Miashintubby of Nashoba County
Choctaw Nation and Mary _____ of Nashoba County, C. Nat.
were joined together by me in the Bonds of Holy Matrimony at
Residence of Mt. Zion Church - In Nashoba County, C. Nat., on
the 7 day of April, A. D., 1881.

(Signed) E. G. Brewer,
Minister of the Gospel.

I do hereby ~~certify~~ that I have received this certificate
and Holy Bond of Matrimony And Recorded

In this 14 day of April A D /88/-

(Signed) S. A. Williams,
Clerk,

(SEAL).

N.Co.C.N.

Endorsed:
D 135.

Department of the Interior
Commission to the Five Civilized Tribes
Filed Apr. 4, 1902.
Tams Bixby, Acting Chairman.

I, Frances R. Lane, stenographer to the Commission to the
Five Civilized Tribes, do hereby certify that the above and
foregoing is a full, true and correct copy of a marriage certifi-
cate between Bond Miashintubby and Mary _____, which is
on file in the office of the Commissioner to the Five Civilized
Tribes in the Choctaw Citizenship case of Silvina Miashintubi et
al., (No. 5612).

Frances R. Lane

Subscribed and sworn to before me this August 9, 1905.

Edward Merrick
Notary Public.

34311

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE RARE EARTH ELEMENTS

FILED

JUL 19 1905

9-5612

Alitkeh I.T.

July 11th 1905-

I Lewis Bern on oath ^{state} that Mary
Misantubbe was Berns. Misantubbi
Lawful wife & that Berns Misantubbi
had no other living wife given
under my hand & seal

Lewis Bern

Witness)

H. J. Ford.

Subscribed & sworn to before
this the 11 day of July 1905

W. J. Burwell

Notary Public

My Commission expires April 10th 1909

AUG 1905

this ~~affidavit~~ of Mary Marshantley July 31/1905
Bethel I.T.

I Was a Widow When I Was Married to
Barnes Marshantley and my former husband
Was Married once to Bessie Winship Before
my ~~own~~ Marriage to Barnes Marshantley my former
husband Was Dead. He Died in 1880. I know
Barnes Marshantley's first Wife Was Wirtie Marshantley
She Died before to my and Barnes Marshantley's Marriage
I Don't Know how Long Before

Sworn to By Mary ^{her} Marshantley
Witness Kate (Daves) ^{mark}
- Lauriston Evans

They Came By for me on July 31/1905
and made this affidavit before
me a Notary public.

W. H. Evans
My Commission Expires February
16 1909

IN RE
THE DEATH OF

a citizen of the

Nation.

Approved

190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE CIVILIZED TRIBES.

FILED

JUL 19 1900

CHIEF MAN.

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Barnes Misanubbi
(Here insert name of deceased)
 a citizen of the Choctaw Nation, who formerly resided at or near
Bethel, Ind. Ter., and died on the 1st to 15 day of
May, 1898
(Here insert name of post office)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY.

Central District.

I, Mary Misanubbi, on oath state that I am 57
 years of age and a citizen by Marriage of the Choctaw Nation;
 that my post office address is Bethel, Ind. Ter.; that I
(Here insert name of post office)
was Barnes Misanubbi's Lawful wife,
(State relationship as: the father; an uncle; a cousin, etc.)
 who was a citizen, by Blood, of the Choctaw Nation;
 and that said Barnes Misanubbi died on the 1st day of
May, 1898.
(Here insert name of deceased)

WITNESSED TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 11 day of July, 1905

W.P. Burwell

Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY.

Central District.

I, Lewis Benn, on oath state that I am 30
 years of age, and a citizen, by Blood, of the Choctaw Nation;
 that my post office address is Beach, Ind. Ter.;
(Here insert name of post office)
 that I was personally acquainted with Barnes Misanubbi
(Here insert name of deceased)
 who was a citizen by Blood, of the Choctaw Nation;
 and that said Barnes Misanubbi died on the 1st day of
May, 1898.
(Here insert name of deceased)

WITNESSED TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 11 day of July, 1905

W.P. Burwell

Notary Public.

WSP
7-5612.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Mary Miashintubi as a citizen by intermarriage of the Choctaw
Nation.

- - : D E C I S I O N : - -

It appears from the record herein that on April 7, 1881,
the applicant was lawfully married to Bond Miashintubi, a recog-
nized and enrolled citizen by blood of the Choctaw Nation, who
is identified on the 1893 Choctaw Leased District Payment Roll,
Wade County, page 48, No. 387; that at the date of said marriage,
both the persons above mentioned were residents in good faith of
the Choctaw Nation, and that they lived together in said Nation
as husband and wife from the date of said marriage until the
death of said Bond Miashintubi in May, 1898; that the applicant
has been a resident in good faith of the Choctaw Nation con-
tinuously since the date of her said marriage up to and including
September 25, 1902.

I am therefore of opinion that Mary Miashintubi should be
enrolled as a citizen by intermarriage of the Choctaw Nation, in
accordance with the provisions of the Acts of Congress approved
June 28, 1898 (30 Stats., 495), and July 1, 1902 (32 Stats., 641),
and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

OCT 2- 1905

7-5612.

Muskogee, Indian Territory, October 2, 1905.

Mary Miashintubi,

Alikohi, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 2, 1905, granting the application for your enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against your enrollment. If at the expiration of that time no protest has been filed your name will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Commissioner.

Inc. 7-5612.

Register.

7-5612

Muskogee, Indian Territory, October 2, 1905.

Thomas J. Tate,

Alikohi, Indian Territory,

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on October 2, 1905, rendered his decision granting the application for the enrollment of Mary Miashintubi as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the enrollment of said applicant. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Registered.

Commissioner.

7-5612

Maskogee, Indian Territory, October 2, 1905.

H. C. Bowen,

Bethel, Indian Territory,

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on October 2, 1905, rendered his decision granting the application of Mary Mashintubi for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the enrollment of this applicant. If at the expiration of that time no protest has been filed her name will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Registered.

Commissioner.

7-5612.

Muskogee, Indian Territory, October 2, 1905.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 2, 1905, granting the application for the enrollment of Mary Miahintubi as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the enrollment of said applicant. If at the expiration of that time no protest has been filed, her name will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Commissioner.

Register.

7-5612.

**IN RE
THE DEATH OF**

a citizen of the

Nation.

Approved Jan. 8, 1901. 1

Commissioner.

FILED Jan. 8, 1901.

Tams Bixby,

Acting Chairman.

32.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of J. Jimmie Davis
(Here insert name of deceased.)
a citizen of the Choctaw Nation, who formerly resided at or near
Bethel, Ind. Ter., and died on the 12, day of July, 1900.
(Here insert name of post office.)

1

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY.
Central District. }

I, Isaac Winship, on oath state that I am 25
years of age and a citizen, by blood, of the Choctaw Nation;
that my post office address is Bethel, Ind. Ter.; that I am
(Here insert name of post office.)
a half brother of Jimmie Davis
(State relationship, as: the father; an uncle; a cousin, etc.)
who was a citizen, by blood, of the Choctaw Nation;
and that said Jimmie Davis died on the 12, day of
(Here insert name of deceased.)
July, 1900., 1

WITNESSES TO MARK:

Isaac Winship

(Must be Two
Witnesses.) }

Subscribed and sworn to before me this 19 day of Dec, 1900
(SEAL) Henry C. Bowen
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY.
Central District. }

I, Almond F. Carterby, on oath state that I am 22
years of age, and a citizen, by blood, of the Choctaw Nation;
that my post office address is Bethel, Ind. Ter.;
(Here insert name of post office.)
that I was personally acquainted with Jimmie Davis
(Here insert name of deceased.)
who was a citizen, by blood, of the Choctaw Nation;
and that said Jimmie Davis died on the 12, day of
(Here insert name of deceased.)
July, 1900., 1

WITNESSES TO MARK:

Almond F. Carterby.

(Must be Two
Witnesses.) }

Subscribed and sworn to before me this 19, day of Dec., 1900.
(SEAL) Henry C. Bowen.
Notary Public.

7 - D - 135.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

--:

In the matter of the application for the enrollment of Silvina and Martha Miashintubi as citizens by blood of the Choctaw Nation.

--: D E C I S I O N :--

It is shown by the census card records of the Commission that at Alikchi, Indian Territory, on April 29, 1899, application was made for the enrollment of Jimmie Davis and Silvina and Martha Miashintubi, as citizens by blood of the Choctaw Nation. Further proceedings were had in this case at McAlester, Indian Territory, on November 13, 1899.

It appears from the evidence in this case and the records in the possession of the Commission, that the applicant, Jimmie Davis, died on July 12, 1900.

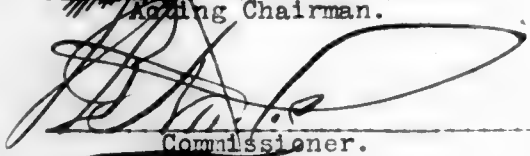
It further appears that the applicants Silvina and Martha Miashintubi are minor children of Bond (or Barnes) Miashintubi, a Choctaw citizen, now deceased, and his wife, Mary Miashintubi, a non-citizen Mexican woman, and said minor applicants are identified on the 1893 Choctaw pay roll, as respectively, Nos. 390 and 391, of the Wade County roll, and said minor applicants are also identified (the former under the name of Fainie Miashintubi) on the 1896 Choctaw census roll, as respectively, Nos. 8616 and 8617, thereon.

It also appears that the applicants, Silvina and Martha Miashintubi, were both residents in good faith of Indian Territory, on June 28, 1898, all applicants listed upon census cards during 1899, having been first examined as to such fact, although their testimony was not reduced to writing.

It is therefore the opinion of this Commission that Silvina Miashintubi and Martha Miashintubi, are duly and lawfully entitled to be enrolled as citizens by blood of the Choctaw Nation, and that the application for their enrollment as such, should be granted under the provisions of section 21 of the act of Congress approved June 23, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

DEC -1 1902

Chectaw-5612.

In the matter of the application
of Silvina Niashtube et al,
for enrollment as citizens by
blood of the Chectaw Nation.

*Protest overruled by
Department June 7, 1904*

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

FEB -6 1904

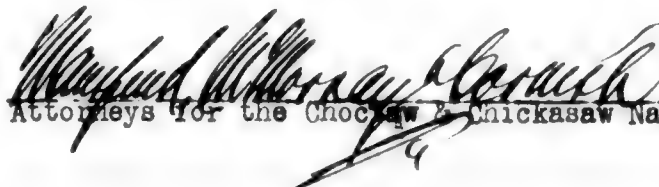
[Signature] : CHAIRMAN.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Silvina Miashintubi and Martha Miashintubi, as citizens by blood of
the Choctaw Nation, Choctaw Field No. 5612.

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that no further action be taken in connection with allotment of lands to these persons until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Mattie Lee Armstrong, et al., vs. Choctaw and Chickasaw Nations, No. 59 on the Tishomingo Docket, in which the said court will decide the question of what compliance, by the applicants or their ancestors, with the third or the fourteenth articles of the treaty of 1830 was necessary in order to be entitled to enrollment and to participation in the distribution of tribal property of the Choctaw s and Chickasaws, notwithstanding their recognition as citizens by the tribal authorities of the Choctaw Nation, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.


Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

9/35

Commission to the Five Civilized Tribes,
Alikehi, Indian Territory.

In the matter of the enrollment of Jimmy Davis as a
citizen by blood of the Choctaw Nation, Statement of facts
by Captain McKennon, Commissioner.

The father of Jimmy Davis, Eli Davis, was a full-blood
Mississippi Choctaw, who was not recognized as a Choctaw citizen
in the Choctaw Nation; his mother was a Mexican, and they were
not married. She was married to two other men, Choctaws, by
whom she has other children who are upon the rolls, several older
than Jimmy, and two younger. Eli Davis came to the Choctaw Na-
tion about 1884, remained here four years and went away. Mary,
Jimmy's mother, lived in the Choctaw Nation since she was a small
child, and speaks the Choctaw language; she is now about forty-
five years old.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
stenographer to the named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. Green

Commission to the Five Civilized Tribes,

McAlester, Indian Territory,

November 13, 1899.

In the enrollment of Silvina and Martha Miashintubby as
Choctaws; (card D-135) Thomas Watson being sworn and examined
by Commissioner McKennon testifies as follows:

Q What is your name? A Thomas Watson.

Q How old are you? A Thirty-nine.

Q Did you know Barnes Miashintubby? A Yes sir.

Q Did you know his wife Mary? A Yes sir.

Q Do you know anything about their marriage? A

(Choc Com'r Lewis Interpreter)

Q He says there was a big meeting going on there, and he under-
stood a preacher by the name of Elijah Brewer, a Presbyterian
Preacher, married them, but he didn't see it.

Q You were living in the neighborhood at the time, and under-
stood that they were married there? A Yes sir.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify that the official stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. Green

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, July 11, 1904.

Mary Miashintubi being first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A Mary Miashintubi.
Q What is your postoffice address? A Benton, Indian Territory.
Q How old are you? A I think I am about 59 years old, I don't know for certain.
Q Do you claim rights as an intermarried citizen of the Choctaw Nation? A Yes sir.
Q What was the name of your first Choctaw husband? A Tobias Winship.
Q Do you know what year you were married to Tobias Winship? A No sir, I don't know.
Q Do you think it was more than thirty years ago? A Yes sir.
Q Where were you married to Tobias Winship? A In the Territory, at Smithville.
Q Did you have a marriage certificate? A Yes sir.
Q Were you married by a Minister or a County Judge? A By the County Judge.
Q What was his name? A Samuel Baker.
Q Do you know where your marriage license is? A It is here.

(7-5635) There is on file with the records of the Commission in the matter of the application for enrollment of Isaac Winship, et al., a certificate of marriage between Tobias Winship and Mary _____, dated September 20, 1868, signed by Samuel Baker, County Judge, Washita County.)

- Q Was Tobias Winship a citizen by blood of the Choctaw Nation?
A Yes, sir.
Q How long did you live with him? A I cannot tell.
Q Did you live with him until he died? A Yes sir.

Mary Miashintubi--2

Q Did you have any children by him? A Yes sir.
Q What is the name of the oldest child? A Melvina Winship.
Q Is she living? A No sir, she is dead.
Q What is the name of the next oldest child? A Simeon Winship.
Q Is he living? A Yes sir.
Q Where does he live? A I don't know exactly.
Q Is he married? A Yes sir.
Q What is the name of his wife? A I Can't speak her name in english; they call her To-pa-ti-nah.
Q How old is Simeon Winship? A I don't know.
Q About how old is he? A I am afraid to say.
Q Has he any children? A Yes sir.
Q Do you know the names of his children? A No sir I don't know; he lives in Eagle County, I never go to see him.
Q What is the name of your next child? A Nancy Winship.
Q Is she living? A No sir she is dead.
Q What is the name of your next child? A A Isaac Winship.
Q Is he living? A Yes sir.
Q Where does he live? A Wolfe County, (Neshoba County).
Q Is he married? A Yes sir.
Q What is the name of his wife? A They call her Emmettie Noah.
Q Have you any other children by Winship that are now living? A Yes sir, Emma Noah, she is married to Newman Noah, borther of Emmettie Noah.
Q How many children has she? A She has four.
Q She never made application for enrollment that you know of?
A No sir, but she had her children registered at Sulphur Springs.
Q She is not registered herself? A No sir.
Q Is that all of the children by Winship? A Yes sir.
Q After Winship died did you marry again? A Yes sir, I married Barnes Miashintubi.
Q Was he a citizen by blood of the Choctaw Nation? A Yes sir.
Q What county did he live in? A We lived in Little River, Kiamitla County.
Q Did you have any children by him? A Yes sir.
Q How many? A Two.
Q Are they living? A One is living and one is dead.
Q What is the name of the one living? A Silvina Miashintubi.
Q What was the name of the other child? A Martha Miashintubi.
Q Martha is dead? A Yes sir.
Q When did Martha die? A She died one month after Christmas.
Q This year? A Yes sir.
Q In 1904? A Yes sir.
Q Did you have a marriage certificate at the time you married Barnes Miashintubi.
A Yes sir.
Q Have you got it? A It is here.
Q By whom were you married? A E G. Brewer, a Minister of the gospel.

(7-5612) There is on file with the records of the Commission in the matter of the application for enrollment of Jimmie Davis, et al., a citizen by blood of the Choctaw Nation, a certificate of marriage between Bond Miashintubby and Mary _____, dated April 7, 1881, signed by E. H. Brewer, Minister of the Gospel.)

Mary Miashintubi---3

- Q Is Barnes Miashintubi living? A No sir he is dead.
- Q When did he die? A I cannot tell you, a number of years ago.
- Q Did you live with him until he died? A Yes sir, I lived with him until he died.
- Q How long have you lived in the Choctaw Nation? A I was born in the Choctaw Nation.
- Q Did you ever appear before the Commission before and make application for enrollment as an intermarried citizen of the Choctaw Nation? A No sir, this is the first time. I want to Alikchi and they told me I was too late.
- Q Do you know who told you you were too late? A It was my brother he told me I was too late, that the numbers were all gone.
- Q He told you you were too late, that the numbers were all gone? A Yes sir.
- Q Who made application for your children, Silvina and Martha Miashintubi? A It was Isaac Winship, their own brother.
- Q Their half brother? A Yes sir.
- Q Why did he not make application for you? A He wrote me to come when he came here, but I was sick and could not go.
- Q That was about three or four years later? A It was.
- Q Did he try to make application for you there, or don't you know? A I don't know whether he did or not.
- Q Were you enrolled by the Choctaw authorities in 1896? (No answer)
- Q Did the census enumerators come around and get your name in 1896? A Yes sir they come around.
- Q Did they take your name. A Yes sir they took my name.

(The name of Mary Miashintubbi is found on the 1896 Choctaw census roll of intermarried citizens of the Choctaw Nation on page 394, opposite number 14824.)

- Q Do you claim to be a citizen by ^{intermarriage} blood of the Choctaw Nation? A Yes sir I have lived in the Territory all my life.
- Q Did you get a letter from the Commission in April 1902 telling you to come to Muskogee, Indian Territory and make application for enrollment as an intermarried citizen of the Choctaw Nation? A Yes sir, I got a letter. I answered it as quick as I could, I got the postmaster to answer it.
- Q The postmaster where you lived? A Yes sir, at Bethel, I. T.
- Q What did you say in the letter? A The postmaster just wrote down what he thought would be correct and answered it for me. I told him to say that it was impossible for me to come right then.
- Q

Mary Mashintubi--4

Q Did you tell him that you wanted to be enrolled as an intermarried citizen of the Choctaw Nation? A Yes sir.

(Identify that letter)

Harriett Gray, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause, heard at Muskogee, Indian Territory, July 7, 1904, and that the foregoing is a full, true and correct transcript of her stenographic notes taken in said proceedings on said date.

Harriett Gray

Subscribed and sworn to before me this the 11 day of July, 1904, at Muskogee, Indian Territory.

Charles H. Sawyer
Notary Public.

D 135

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 4 1902



ACTING CHAIRMAN.

Office of E. S. Brewer
Minister of the Gospel,

To the Hon. Clerk
N. Co. C. N.

This is to certify that Bond M. Mashinty
of Nashoba County - Choctaw Nation
And Mary - of Nashoba County C. Nat.,
Were joined together by me in the Bonds
of Holy Matrimony at Residence of Mt. Zion
Church - In Nashoba County - C. Nat.,
on the 7 day of April A.D. 1887

E. S. Brewer

Minister of the Gospel,

Also hereby that I have received this
certificate And Holy Bonds of Matrimony
And Recorded

on this 14 day April A.D. 1887.

Seal

S. A. Williams
Clerk -
N. Co. C. N.

Muskogee Indian Territory,

August, 10th, 1900.

Jimmie Davis,

Alikchi, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs Cannon, Mansfield, McMuray, & Cornish, has filed with this Commission a notice of protest to your enrolment and the enrolment of Silvina and Sarah Mashintuol as citizens of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-135.

Muskogee, Indian Territory, December 8, 1900.

Mary Kiasbentubby,

Bethel, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of the 1st instant enclosing a letter that you have recently received, addressed to the Commission is now at Muskogee, Indian Territory, from James Field, McMurtry & Gernish, legal representatives of the Choctaw Nation, objecting to the enrollment of your son as a citizen by in these protested cases and also testimony in behalf of the Choctaw blood of the Choctaw Nation, for the reason that he has been enrolled without authority of law.

You are informed that the original objection filed with this Commission by the Choctaw Nation, contained in addition to James Field, two other children, Alvin and George Kiasbentubby. The objection has been entered to the enrollment of your children as citizens. The Choctaw Nation's legal representatives is to the effect that it is claimed that you are a Choctaw and not a Cherokee Nation, and that it is not proper for the enrollment of your children as citizens. It is necessary for you to supply evidence of your membership in the Choctaw Nation, and George Kiasbentubby, and that it will be necessary to fully establish the identity of your son as a Choctaw Nation.

The Commission is now at Muskogee, Indian Territory for the purpose of hearing any additional testimony that may be offered by either the applicants or witnesses in their behalf in these protested cases and also testimony in behalf of the Choctaw

you herewith a blank proof of death, which you are requested to have filled out and return to the Commission so that the same may be made a matter of record with the Commission. In having the same executed, in the event that either the relative or acquaintance died since being listed for enrollment by this Commission on April 29th, 1899 and desire to be informed if his heirs are excluded from naturalization by mark, that such signatures are attested by two disinterested parties as witnesses thereto. Also be sure to see that both affidavits are sworn to before some Notary Public.

You are informed that the Commission is duly authorized to prepare a roll of citizens of the Choctaw Nation for submission to the Secretary of the Interior for his approval and as no date in support of the application for the enrollment of your two children has yet been agreed upon for the final closing of these rolls, the Silvine and Martha Kinschensky, it would be well for you to appear before the Commission at its appointment at Atoka and as this session will close on December the 14th, you will understand that rolled as such and who are living upon the date finally agreed upon by the Choctaw and Chickasaw Nations and the United States as the date for the closing of the rolls of these two Nations.

In the matter of the death of your son there is enclosed you herewith a blank proof of death, which you are requested to have filled out and return to the Commission so that the same may be made a matter of record with the Commission. In having the same executed, in the event that either the relative or acquaintance making affidavit to the death, are unable to write and their signatures are by mark, that such signatures are attested by two disinterested parties as witnesses thereto. Also be sure to see that both affidavits are sworn to before some Notary Public.

If it is your intention to offer any additional testimony in support of the application for the enrollment of your two children Silvine and Martha Kinschensky, it would be well for you to appear before the Commission at its appointment at Atoka and as this session will close on December the 14th, you will understand that

XX 14

you have but little time in which to make such an appearance.

The letter of Messrs. Mansfield, McIlwain & Cornish is
returned to you herewith.

Yours truly,

Acting Chairman

7-2-136

Enc. 2

Muskogee, Indian Territory, January 8, 1901.

Mrs. Mary Mashentubby,

Bethel, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of the 2nd instant enclosing affidavits as to the death of Jimmie Davis and in which you state that you were unable to appear before the Commission at Atoka, Indian Territory, on December 3rd, 1900, and desire to be informed what if any action has been taken by the Commission in regard to the enrollment of your daughters, Silvina and Martha Mashentubby.

The affidavits as to the death of Jimmie Davis have been duly filed and his death made a matter of record with the Commission.

If it is your intention to offer any additional testimony in support of the enrollment of your two children, Silvina and Martha Mashentubby, you can do so at the office of the Commission at Muskogee, Indian Territory, proper notice of the taking of such testimony to be given the legal representatives of the Choctaw and Chickasaw Nations.

Written argument and briefs will be accepted for consideration by the Commission on behalf of the Choctaw and Chickasaw Nations prior to February 1st, 1901, and on behalf of applicants whose enrollment is protested, prior to March 1st, 1901. As soon thereafter as practicable the Commission will take up for consideration these protested cases, and when a decision is rendered in the

W.C. 2

matter of the application for the enrollment of your children,
Silvina and Martha Kachantubay, a copy of the same stating fully
therein the reason for any action that may be taken by the Commis-
sion, will be mailed you.

Yours truly,

Acting Chairman.

7-D-135

Choctaw D 135

Muskogee, Indian Territory, July 18, 1902.

Mary Wiysentuby,

Bethel, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter without date in which you state your inability to personally appear before the Commission for the purpose of submitting your application for enrollment as a citizen of the Choctaw Nation.

You also refer in your communication to the fact that there is now on file with this office the certificate of your marriage to Barnes Miashintubi.

Replying to your communication and relative to your right to be enrolled as a citizen of the Choctaw Nation, you are advised that there is now on file with our records the certificate of R. G. Brewer as to the marriage of Bond Miashintubby and Mary _____ on the 7th day of April, 1881 and your name is also found upon the 1896 tribal roll of the citizens of the Choctaw Nation as a citizen by intermarriage of the Choctaw Nation with the notation "Mexican".

No application has, however, been submitted to the Commission for your enrollment as a citizen either by blood or intermarriage of the Choctaw Nation and your attention is respect-

M M 3

fully invited to the rules and regulations of this Commission and the Department of the Interior, requiring that applicants for enrollment as citizens of the Choctaw Nation must personally appear before the Commission for the purpose of examination under oath.

In view of the probability of some early date being fixed or agreed upon terminating the time within which the Commission can receive and consider applications of persons for enrollment as citizens of the Choctaw Nation, it is advisable if you anticipate making such application that you do so as early as practicable.

Yours truly,

Commissioner in Charge.

Choctaw 2,135.

COPY.

Muskogee, Indian Territory, December 1, 1902.

Silvina Mischintubi,

C/o Isaac Winship,

Bethel, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission, rendered December 1, 1902, granting the application of yourself and your sister, Martha Mischintubi, for enrollment as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision, and have been allowed fifteen days from this date, within which to file protest against the enrollment of yourself and your sister, Martha Mischintubi, as citizens of the Choctaw Nation, and if, at the expiration of that time no protest has been filed, the said Silvina Mischintubi and Martha Mischintubi will be regularly listed for enrollment as citizens of the Choctaw Nation.

Respectfully,

Thomas B. Boyd.

Registered

Attorney at Law.

Dec. 1, 1902.

COPY, Choctaw, B. 135.

Muskogee, Indian Territory, December 1, 1902.

Warrfield, Murray & Cornick,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered December 1, 1902, granting the application of Silvina and Martha Mischakubi, for enrollment as citizens by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with the Commission such protest as you desire to make against the enrollment of the said Silvina and Martha Mischakubi as citizens of the Choctaw Nation, and make satisfactory proof of service of said protest upon the applicants herein. If you fail to file a protest within the time allowed, these applicants will be regarded as consenting to enrollment.

Respectfully,

(SIGNED)

Jame Birney
Acting Chairman

Respectfully,

W. B. B. B.

Office of E. G. Brewer, Minister of the Gospel.

To the Hon. Clerk N. Co. C.N.

This is to certify that Bond Miamintubby of Washoba County,
Choctaw Nation and Mary--- of Washoba County C. Nat., were joined to-
gether by me in the Bonds of Holy Matrimony at Residence of Mt. Zion
Church in Washoba County C. Nat., on the 7th, day of April, A.D. 1881.

E. G. Brewer,

Minister of the Gospel.

I do hereby that I have received this certificate and Holy Bond of
Matrimony and recorded.

In this 14th, day of April A.D. 1881.

S. A. Williams, Clerk,

N. Co. C.N.

(SEAL)

Endorsed on back as follows:-

Filed April 4th, 1902.

Wams Bixby,

Acting Chairman.

7-5612

Muskogee, Indian Territory, January 9, 1904.

Mary Miashintubi,

Bethel Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a citizen by intermarriage of the Cheetaw Nation you are requested to procure and forward to the Commission the affidavit of some one having knowledge of the facts showing whether or not your husband, Barnes Miashintubi, was ever married prior to his marriage to you. If he was, and his former wife or wives were dead you must furnish the Commission with an affidavit showing that fact; and if he had been divorced you must furnish either the original or certified copy of the decree or the decrees of divorce.

You must also furnish the Commission with your affidavit showing how many times you had been married before your marriage to him, and whether your husband or husbands were dead at that time, or had been divorced, and if divorced you must furnish the original or a certified copy of the decree or decrees of divorce.

From your testimony it appears that Barnes Miashintubi is dead, but you do not give the date of his death. Your affidavit above requested should state the date of his death and whether or not you have married again since his death.

N.M.3

This matter should receive your immediate attention.

Respectfully,

Chairman.

COMMISSIONERS

TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Chestaw-5612

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 6, 1904.

Silvina Miashintubi,

Alikehi, Indian Territory.

Dear Madam:

You are hereby advised that under the direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Chestaw and Chickasaw Nations, dated January 23, 1904, no further action will be taken in connection with the allotment of lands of the Chestaw-Chickasaw Nations to Silvina Miashintubi and Martha Miashintubi until the Commission is further instructed by the Secretary of the Interior.

Respectfully,



Commissioner in Charge.

7-5612

Muskogee, Indian Territory, June 10, 1904.

Mary Miahintubbi,

Alikahi, Indian Territory.

Dear Madam:

You are hereby notified that on June 7, 1904, the Secretary of the Interior overruled the protest of the attorneys for the Choctaw and Chickasaw Nations in the matter of allotments to your children, Silvina and Martha Miahintubbi, and applications for allotment will now be received for said children in accordance with the rules and regulations governing the selection of allotments and the designation of homesteads in the Choctaw and Chickasaw Nations, copy of which is herewith enclosed you.

Respectfully,

Chas. Smith

Rules for Allotment.

COMMISSIONERS
TAMM DIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Waskogen, Indian Territory, March 19, 1904.

Thomas J. Tate,
Cove, Arkansas,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 28, 1903, inclosing communication from the Commission to Mary Miashintubbi, and asking what steps are necessary to take in the matter of her enrollment as an intermarried citizen of the Choctaw Nation. Receipt is also acknowledged of your letter of March 15 upon the same subject.

In reply you are advised that the name of Mary Miashintubbi appears upon the 1896 census roll of the citizens of the Choctaw Nation as an intermarried citizen, but it does not appear from our records that application has been made to this Commission for her enrollment as an intermarried citizen of the Choctaw Nation, although on April 17, 1902, as appears from our letter inclosed with your communication, she was notified that no application had been made by her to the Commission for enrollment, and she was advised that she should appear in person before the Commission for the purpose of making such application.

Under the provisions of the act of Congress of July 1, 1902, the Commission is now without jurisdiction to receive or consider

1
T J E E

original applications for enrollment in the Choctaw and Chickasaw
Nations. The letter inclosed by you is herewith returned.

Respectfully,

L. R. Buckner

42 2-12

Commissioner in Charge.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRUCKENRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

4200

REFER IN REPLY TO THE FOLLOWING

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 8, 1904.

Thomas J. Tate,
Bethel, Indian Territory,
Dear Sir:

Receipt is hereby acknowledged of your letter of April 1,
referring to our communication of March 17, 1904, relative to the
enrollment of Mary Masshintubby as an intermarried citizen of the
Choctaw Nation, and asking what steps she should take in the matter.

In reply to your letter you are advised that if Mary Mass-
hintubbi desires now to present an application for enrollment as an
intermarried citizen of the Choctaw nation she should appear before
the Commission in person at its office in Muskogee, Indian Territory,
at which time the matter will receive further consideration.

Respectfully,



Commissioner in Charge.

COMMISSIONERS:
TAMM BIXBY,
THOMAS S. NEEDLES,
C. R. BRICKNIDGE.

WM. O. BEALL,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 1, 1904.

Thomas J. Tate,

Bethel, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 24, in which you ask the status of Mary Mashentubby as an intermarried citizen of the Choctaw Nation, and state that she was before the Commission on July 7, 1904, in the matter of her enrollment.

In reply to your letter, you are informed that it does not appear from our records that application has been made to this Commission by or on behalf of Mary Mashintubbi for enrollment as an intermarried citizen of the Choctaw Nation. On July 7, 1904, Mary Mashintubbi appeared before the Commission for the purpose of presenting her claim for enrollment as an intermarried citizen of the Choctaw Nation but, it appearing from our records that no application had been made for her prior to December 25, 1902, at which time the authority of the Commission to receive applications for enrollment in the Choctaw and Chickasaw Nations expired, she was informed that the Commission was without authority to receive her application.

Respectfully,



Commissioner in Charge.

7-5612

Muskogee, Indian Territory, January 10, 1908.

Thomas J. Tate,

Bethel, Indian Territory.

Dear Sir:

In the matter of the application of Mary Miashintubi for enrollment as a citizen by intermarriage of the Choctaw Nation, it will be necessary that the Commission be furnished with the affidavit of someone having knowledge of the fact showing whether or not Barnes Miashintubi was ever married prior to his marriage to her. If he was and his former wife or wives were dead, the affidavit must show that fact, and give the names of such former wife or wives; and if he had been divorced, the Commission must be furnished with either the original or certified copy of the decree or decrees of divorce.

The Commission must also be furnished with the affidavit of the applicant showing how many times she had been married prior to her marriage to Barnes Miashintubi, giving the names of her former husband or husbands, and stating whether they were dead at that time or had been divorced, and if divorced she must furnish either the original or a certified copy of the decree or decrees of divorce.

From the testimony it appears that Barnes Miashintubi is dead, but the date of his death is not given. In the affidavit

T.J.T. 2

of the applicant above requested, this date should be stated, and also whether or not she has remarried since his death.

A letter has this day been forwarded to Mrs. Miashintubi, requesting the evidence called for herein. As soon as the same is furnished her application will again be taken up and a decision rendered therein. You will therefore see the necessity of furnishing the same without delay.

Respectfully,

Chairman.

7-5612

Muskogee, Indian Territory, January 26, 1905.

Thomas J. Tate,

Alikchi, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 20, 1905, asking if Mary Miashintubby will be allowed to draw in this payment as an intermarried citizen of the Choctaw Nation.

In reply to your letter you are informed that the matter of the payment of moneys to Choctaw and Chickasaw citizens is a matter which is within the jurisdiction of the United States Indian Agent and for information relative thereto you should address him at Muskogee, Indian Territory.

You are further advised that it will be necessary in the matter of the application of Mary Miashintubi for enrollment as a citizen by intermarriage of the Choctaw Nation that the Commission be furnished with the affidavit of someone having knowledge of the fact showing whether or not Barnes Miashintubi was ever married prior to his marriage to her. If he was and his former wife or wives were dead, the affidavit must show that fact and give the names of such former wife or wives; and if he had been divorced, the Commission must be furnished with either the original or certified copy of the decree or decrees of divorce.

The Commission must also be furnished with the affidavit

T. J. T. #2

of the applicant showing how many times she had been married prior to her marriage to Barnes Miashintubi, giving the names of her former husband or husbands, and stating whether they were dead at that time or had been divorced, and if divorced she must furnish either the original or a certified copy of the decree or decrees of divorce.

From the testimony it appears that Barnes Miashintubi is dead, but the date of his death is not given. In the affidavit of the applicant above requested, this date should be stated, and also whether or not she has remarried since his death. This matter should receive immediate attention.

Respectfully,

Chairman.

Muskogee, Indian Territory, January 28, 1905.

H. C. Bowen,

Bethel, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 22, 1905, asking what is necessary to be done in the matter of the application of Mary Miashintubi for enrollment as an intermarried citizen of the Choctaw Nation. You state that Thomas J. Tate has been attending to this matter for her but she has removed from this neighborhood and she now wishes you to look after it for her.

In reply to your letter you are informed that it will be necessary in the matter of the application of Mary Miashintubi for enrollment as a citizen by intermarriage of the Choctaw Nation that the Commission be furnished with the affidavit of someone having knowledge of the fact showing whether or not Barnes Miashintubi was ever married prior to his marriage to her. If he was and his former wife or wives were dead, the affidavit must show that fact and give the names of such former wife or wives; and if he had been divorced, the Commission must be furnished with either the original or certified copy of the decree or decrees of divorce.

The Commission must also be furnished with the affidavit of the applicant showing how many times she had been married prior to her marriage to Barnes Miashintubi, giving the names of her for-

her husband or husbands, and stating whether they were dead at that time or had been divorced, and if divorced she must furnish either the original or a certified copy of the decree or decrees of divorce.

From the testimony it appears that Barnes Mashintubi is dead, but the date of his death is not given. In the affidavit of the applicant above requested, this date should be stated, and also whether or not she has remarried since his death. This matter should receive immediate attention.

Respectfully,

Chairman.

7-5612

Muskogee, Indian Territory, March 8, 1905.

Thomas J. Tate,

Alikohi, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 25, 1905, in which you refer to an affidavit which was requested in the matter of the application of Mary Miashtubi for enrollment as a citizen by intermarriage of the Choctaw Nation, and you state that the affidavits were sent to Muskogee, Indian Territory, and ask if anything further is necessary.

In reply to your letter you are informed that it does not appear from our records that the affidavits referred to in our letters to you of January 20 and January 26 have yet been received, and it will be necessary that the same be furnished before the Commission can pass upon this application.

Respectfully,

Commissioner in Charge.

Choctaw 5612.

Muskogee, Indian Territory, April 6, 1905.

Thomas J. Tate,

Alikchi, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 26, asking if certain affidavits have been received in support of the application of Mary Miashintubi as an intermarried citizen of the Choctaw Nation.

In reply to your letter you are informed that it appears from our records that the affidavits requested in our letters of January 10 and January 26, 1905, in support of the case of Mary Miashintubi has not yet been received.

Replying to that portion of your letter in which you complain that Mary Miashintubi has now engaged another lawyer and has leased to him land which she had heretofore promised you as a portion of your fee, you are advised that this is a matter which is not within the jurisdiction of this Commission and it is therefore impracticable to give you any information on the subject.

Respectfully,

Commissioner in Charge.

7-8612

Muskogee, Indian Territory, June 23, 1905.

Thomas J. Tate,

Alikohi, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 16, 1905, asking if the affidavits requested in the matter of the enrollment of Mary Miashintubbi as an intermarried citizen of the Choctaw Nation have been received.

In reply to your letter you are advised that it does not appear from our records that the affidavits requested in our letters of January 10 and January 28, 1905 in support of the application of Mary Miashintubbi for enrollment as an intermarried citizen of the Choctaw Nation have yet been received. This matter should receive immediate attention in order that disposition may be made of this case.

Respectfully,

Chairman.

7-5612

Muskogee, Indian Territory, July 21, 1905.

Thomas J. Tate,

Alikohi, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 11, 1905, enclosing the affidavits of Lewis Ben to the effect that Mary Miashintubi was the lawful wife of Barnes Miashintubi and that he had no other living wife; also affidavits of Mary Miashintubi and Lewis Ben to the death of Barnes Miashintubi between May 1 and 15, 1898, and the same have been filed with the record in the matter of the application of Mary Miashintubi for enrollment as an intermarried citizen of the Choctaw Nation.

You are advised, however, that it will be necessary that affidavits be furnished showing whether or not Barnes Miashintubi was ever married prior to his marriage to Mary Miashintubi, giving the name of each wife and whether or not such wives were dead; if he had been divorced certified copy of the decree of divorce must also be furnished in the case of each divorced wife. There must also be furnished the affidavit of Mary Miashintubi showing how many

T J T #2

times she had been married prior to her marriage to Barnes Miashintubi, giving the names of such former husbands and whether they were dead at that time or divorced and if divorced she must furnish certified copy of the decree of divorce. These affidavits must be furnished before further consideration can be given the application of Mary Miashintubi for enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

Commissioner.

7-5812

Muskogee, Indian Territory, August 2, 1905.

Thomas J. Tate,

Alikohi, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 2, 1905, enclosing affidavits of Mary Miashintubby which is offered in support of her application for enrollment as an intermarried citizen of the Choctaw Nation and the same has been filed with the record in this case.

Respectfully,

Commissioner.

9-5612

Muskogee, Indian Territory, August 19, 1906.

Thomas J. Tate,

Atihohi, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of August 14, 1906, in the matter of the application of Mary Miashtitabi, for enrollment as an intermarried citizen of the Choctaw Nation.

In reply to your letter you are advised that this application is now receiving consideration, and as soon as a decision is reached in this case, you will be notified of the action taken therein.

Respectfully,

Acting Commissioner.

7-5612

Muskegee, Indian Territory, September 21, 1905.

Thomas J. Tate,

Alikchi, Indian Territory.

Dear Sir:

Replying to your letter of the 18th instant you are advised that no decision has as yet been rendered in the matter of the application of Mary Miashintubi for enrollment as a citizen by intermarriage of the Choctaw Nation.

The record in this case is apparently complete and is now receiving the consideration of the Commissioner. It is probable that action will be taken thereon in the near future and the applicant will be duly advised of the disposition made of the case.

Respectfully,

Acting Commissioner.

7-5612

Muskogee, Indian Territory, November 8, 1905.

Thomas J. Tate,

Alikohi, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 4, 1905, asking if protest has been filed to the enrollment of Mary Miahintubi.

In reply to your letter you are advised that no protest has been filed by the attorneys for the Choctaw and Chickasaw Nations against the enrollment of Mary Miahintubi and her name has been placed upon a schedule of citizens by intermarriage of the Choctaw Nation which is being prepared for forwarding to the Secretary of the Interior.

Respectfully,

Commissioner.

7-5612

Muskogee, Indian Territory, December 8, 1905.

Henry C. Brown,

Bethel, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 3, 1905, asking to be notified as soon as Mary Winship can file on her allotment and requesting that her address be changed from Alikohi to Bethel, Indian Territory.

In reply to your letter you are advised that it is believed that the person to whom you refer as Mary Winship has been enrolled as an intermarried citizen of the Choctaw Nation under the name of Mary Miashintubbi and her enrollment was approved by the Secretary of the Interior, November 27, 1905, and selection of allotment may now be made in her behalf in accordance with the rules and regulations governing the selection of allotments and the designation of homesteads in the Choctaw and Chickasaw Nations.

Respectfully,

Acting Commissioner.

Choc 5613

Annie G. Agent

One copy of record filed
in Choc # 5614

5613

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Annie G. Agent, et al., as citizens by blood of the Choctaw Nation,
consolidating the applications of--
Annie G. Agent, et al., Choctaw D-489;
Ida Goodman, et al., Choctaw D-672;
Emily Farge, Choctaw D-701.

2

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Annie G. Agent, et al., as citizens by blood of the
Choctaw Nation,
consolidating the applications
of
Annie G. Agent, et al., Choctaw D-489;
Ida Goodman, et al., Choctaw D-672;
Emily Fargo, Choctaw D-701.

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Commission to the Five Civilized Tribes,

South Canadian, Indian Terr.

In the enrollment of Annie G. Agent and two children as Choc-taws; Henry C. Agent being sworn and examined by Com'r McKennon testifies as follows:

Q What is your name? A Henry C. Agent.

Q How old are you? A Thirty-five.

Q Are you the husband of Annie G. Agent? A I am.

Q And the father of Ruby G., and Charles C. Agent? A Yessir.

Q Where are these people living? A In Sallisaw.

Q That is in the Cherokee Nation? A Yes sir.

Q How long have they been living there? A Three years.

Q Where did they come from? A Muldrow, in the Cherokee Na-tion; they was raised in that District.

Q Where did they come from to Muldrow? A She was born there on the Cherokee side.

Q Your wife was born and raised in the Cherokee Nation? A Yes sir.

Q And the children were born and raised there also? A Yessir.

Q Are they enrolled as Cherokees? A Yes sir.

Q Your wife and children are on the Cherokee rolls? A Yessir.

My wife is on the roll of 1880, and the children are on the last roll there.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. L. H. H.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
JUNE 25, 1900.

In the matter of the application of Armie Agent, Ruby G. Agent, Charley C. Agent, Ida Goodman, Clyde F. Goodman and Willis O. Goodman for enrollment as citizens of the Choctaw Nation by blood.

Joseph W. Goodman, being first duly sworn, deposes and says:

- Q What is your name? A Joseph W. Goodman.
Q How old are you? A Thirty.
Q What is your post office address? A Muldrow.
Q Do you live in Muldrow? A Yes sir.
Q How long have you lived there? A Ever since it was built. About ten or eleven years; it was about twelve years ago I guess as near as I can tell.
Q Muldrow is in the Cherokee Nation, is it? A Yes sir.
Q When did you first come to the Cherokee Nation? A In December 1886.
Q Are you the husband of Ida Goodman? A Yes sir? A Yes sir.
Q Who is Ann Agent? A Ann Agent is a sister to Ida Goodman. She was a former ~~slave~~; she married a white man.
Q Your purpose in appearing before the Commission at this time is for the enrollment of your wife, Ida Goodman? A Yes sir.
Q How did she become a citizen of the Choctaw Nation? A Her mother was a Choctaw.
Q Is her mother on any of the tribal rolls of the Choctaw Nation? A I could not say, not knowing. I have always had that understanding but I never did see her name on the rolls, but there is no doubt of her Choctaw blood. It is my understanding; she drew Choctaw money.
Q When? A One time they paid out bread money; they called it bread money.
Q What year was that? A I could not say; it was a good many years ago before I was married; she died, my wife's mother died before I married her.
Q Was your wife's name on any of the tribal rolls of the Choctaw Nation? A No sir.
Q Do you know whether the name of Armie Agent, Ruby G. Agent, Charles C. Agent, Ida Goodman, Clyde F. Goodman, Willis F. Goodman, Robert L. Fargo, Emma Fargo, Benjamin Fargo, Isaac and Edwin Fargo, do you know whether the names of any of these people are on any of the tribal rolls of the Choctaw Nation? A No; if they are I don't know nothing about it.
Q Did they ever apply to the tribal authorities of the Choctaw Nation for citizenship? A Yes sir.
Q When? A I could not say when; it was sometime in 1890, before that \$103.00 payment in the Choctaw Nation.
Q And prior to '90? A Yes sir.
Q They made application before that leased district money was paid? A Before they were taking the census for the leased district payment.
Q What action did the tribal authorities take in this matter? A They didn't take much.
Q What did they do? A They refused them.
Q Let me ask you, there was a straight out and out judgment? A The father, Charles Fargo Sr., he went and applied for the enrollment.
Q Well, when he applied he represented these other children? A He represented the whole family. Yes sir.
Q Well, there was a bona fide application made? A Yes sir.
Q And the Choctaw tribal authorities refused to enroll them? A Yes sir.
Q The Choctaw authorities enrolled only one, Willison Isaac Jacobs.
Q Was that application made to the enumerators of the Choctaw Nation or to the Council? A He went before the Council at Tuskahoma.

- Q Was this application presented to the Council? A I don't know whether it was presented to the Council; it was presented to the census takers but I could not say whether it was put before the Council or not. We all chipped in and paid his expenses to go before the Council, but whether he put the application before them or not I could not say.
- Q Was there an application made on behalf of these parties for citizenship in the Choctaw Nation under the act of June 10th, 1896?
- A Yes sir.
- Q Do you know what action this Commission took? A They decided they was Choctaws.

1896 Docket G page 281, Choctaw case 489. Ann Agent, et al vs Choctaw Nation. Original application filed September 7th, 1896; answer of the Choctaw Nation filed and on December 2nd, 1896, the Commission admitted as citizens by blood of the Choctaw Nation Annie Agent, Ruby G. Agent, Charlie C. Agent, Ida Goodman, Clyde V. Goodman, Willis O. Goodman, Robert L. Fargo, Benjamin Fargo, Anna Fargo, Isaac Fargo and Edwin Fargo. There is no record of any appeal ever having been taken by the Choctaw Nation from the decision of this Commission.

- Q Have any of these parties ever applied to this Commission prior to this time for enrollment as Choctaws? A Robert Fargo has applied for enrollment at Spiro.
- Q You state that Robert L. Fargo made application for enrollment?
- A Yes sir.
- Q When was that? A I don't remember what date, but I think the Commission was at Spiro, I could not be positive.
- Q Where was Robert L. Fargo living at that time? A He was in the Choctaw Nation at his brother's near Sans Bois.
- Q Was that his home? A I reckon it was; it was home most anywhere; he had some things there.
- Q Does he own any improvements in the Choctaw Nation? A Yes, he has a small place close to Sans Bois there.
- Q How much of a place? A I could not tell; it is a very small place.
- Q Has he any improvements in the Cherokee Nation? A He quit claiming any; yes, he owns a place, a home there, but he has not any now.
- Q Your people have always been recognized as Cherokees, have they?
- A Yes sir; my intermarried license is filed with the Commission.
- Q The Cherokee authorities never recognized Narcissa Fargo as a Cherokee? A No sir.
- Q She was always said to be a Choctaw? A Always said to be a Choctaw.
- Q Her husband, Charles Fargo, Sr. is still recognized as a Cherokee citizen? A Yes sir.
- Q Was Charles Fargo-- Witness: Charles Fargo Jr. does not appear on there because he didn't put his name on there.
- Q Was Charles Fargo Sr. living when this application was made? A He is living today as far as that is concerned.
- Q Is Charles Fargo Jr. a brother of your wife, Ida Goodman? A Yes sir.
- Q The same father and same mother? A Yes sir. He is own brother to Ida Goodman.
- Q When this application was made in 1896 why didn't Charles Fargo Jr. make application to this Commission? A He just laughed and said if they were admitted he would be. He applied to the Commission for enrollment at the same time that Robert Fargo did.
- Q You mean that he applied to the Commission at Spiro and the Commission refused to enroll him because he had not been admitted by the Commission? A Yes sir.
- Q Who is Isaac Fargo? A He is a brother of Ida Goodman; I ain't sure, but I believe he applied here for enrollment.
- Q Now, Isaac Fargo is a full brother of Robert L. Fargo and of the others? A Yes sir. I think he applied to the Commission at South Canadian for enrollment.

- Q With the exception of Robert L. and Isaac Fargo, the others people who have been admitted to citizenship by the judgment of this Commission elected to remain as Cherokees as they appear on the Cherokee roll, is that right? A No, Agent has applied here for enrollment has he not at the same time that Isaac Fargo applied. He applied for the enrollment of his family, not of himself, understand.
- Q Has your wife been enrolled as a Choctaw? That is, did she appear before the Commission last summer? A No sir.
- Q Does she expect to appear before the Commission and make an application for enrollment in the Choctaw Nation? A I was under the impression that I could enroll, and that is my business; for the enrollment of Ida Goodman as Choctaw.
- Q Your name was not in the application to the Dawes Commission as an intermarried citizen? A No it was not, I was not married according to Choctaw law.
- Q What is your wife's father's name, Mr. Goodman? A Charles Fargo. (Appears on 1880 Cherokee roll, page 696, No. 497 Sequoyah District.)
- Q What is your wife's mother's name? A Narcissa Fargo. (Appears on 1880 Cherokee roll, 696 Number 498, as an adopted Choctaw.)
- Q Your wife's name in 1880 was Annie Fargo? A Ida Fargo. (Appears on 1880 Cherokee roll 696 Number 500, Sequoyah District)
- Q Who is Annie Fargo? A She is Annie Agent now.
- Q That is your wife's sister? A Yes, my wife's sister. (Annie Agent on 1880 Cherokee roll as Annie Fargo, page 696, Number 499)
- ✓ Robert Fargo, Page 696, Number 501, Sequoyah District.
 - ✓ Charles Fargo Jr. page 696, Number 502, Sequoyah District.
 - ✓ Ben Fargo, page 696, Number 503, Sequoyah District.
 - ✓ Emily Fargo, page 696, Number 504, Sequoyah District.
 - ✓ Ida Goodman, page 958, Number 586, Sequoyah District, 1894 roll
 - ✓ Clyde Goodman, page 958, Number 587, Sequoyah District, 1894 roll
 - ✓ Annie G. Agent, page 932, Number 40, Sequoyah District, 1894 roll.
 - ✓ Rubis J. Agent, page 932, number 41, Sequoyah District, 1894 roll.
 - ✓ Charles C. Agent, page 932, Number 42, Sequoyah District, 1894 roll.
 - ✓ Robert L. Fargo, page 956 Number 541, Sequoyah District, 1894 roll
 - ✓ Benjamin M. Fargo, page 956, Number 533, Sequoyah District 1894 roll
 - ✓ Anna Fargo, page 956, number 534, Sequoyah District, 1894 roll.
 - ✓ Isaac A. Fargo, page 956, number 535, Sequoyah District, 1894 roll
 - ✓ Edward Fargo, page 956, number 536, Sequoyah District, 1894 roll
 - ✓ Annie Agent, page 1049, number 28 Sequoyah District, 1896 roll.
 - ✓ Charles G. Agent, page 1049, number 30, Sequoyah District, 1896 roll
 - ✓ Rubie G. Agent, 1049, number 29, Sequoyah District, 1896 roll.
 - ✓ Ida Goodman, page 1071, number 623, Sequoyah District, 1896 roll.
 - ✓ Joseph W. Goodman, page 1114, number 66, Sequoyah District, 1896 roll
 - ✓ Clyde Goodman, page 1071, number 642, Sequoyah District, 1896 roll
 - ✓ Willis Goodman, page 1071, number 425, Sequoyah District, 1896 roll.
 - ✓ Benjamin Fargo, page 1069, number 569, Sequoyah District, 1896 roll
 - ✓ Robert L. Fargo, 1068, number 555, Sequoyah District, 1896 roll.
 - ✓ Emily Fargo, page 1069, number 570, Sequoyah District, 1896 roll.
 - ✓ Isaac Fargo, page 1069, number 571, Sequoyah District, 1896 roll
 - ✓ Edmon Fargo, page 1069, number 572, Sequoyah District, 1896 roll.

Anna Bell, being duly sworn, testifies that as stenographer to the Commission to the Five Civilized Tribes, she reported in full the testimony in the above entitled case, and that the foregoing is a full and correct transcript of her stenographic notes in said cause

Anna Bell

Subscribed and sworn to before me this 18 day of July 1900.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, FEBRUARY 19, 1902.

In the matter of the application for enrollment as citizens of the Choctaw Nation of Annie G. Agent and her minor children, Ruby and Charles C. Agent, and the right of the applicant to elect for herself and her children to be finally so enrolled by the Commission to the Five Civilized Tribes and the Secretary of the Interior, under the provisions of the twenty first section of the act of Congress of June 28, 1898.

The applicant, Annie G. Agent, is an enrolled and recognized citizen by blood of the Cherokee Nation and her name is found upon the 1880 authenticated roll of citizens of the Cherokee Nation, Sequoyah District, Number 499. Her two children, Rubie G. Agent and Charles C. Agent are also recognized citizens of the Cherokee Tribe of Indians and their names are found upon the 1896 census roll of the citizens of the Cherokee Nation, Sequoyah District, Numbers 29 and 30 respectively. Annie G. Agent and her two children have been listed for enrollment by the Commission as citizens of the Cherokee Nation, as has also her husband, Henry C. Agent as a citizen by intermarriage of the Cherokee Nation. The applicant, Annie G. Agent, and her two children, Ruby G. and Charlie C. Agent, were admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes under the provisions of the act of Congress of June 10, 1896, in Choctaw citizenship case 489, from which decision no appeal was taken to the United States Court in Indian Territory within the time prescribed by the provisions of that act.

Annie G. Agent, being first duly sworn, upon her oath testifies as follows:

Examination by the Commission.

- Q What is your name? A My name?
Q Yes? A Annie G. Agent.
Q How old are you? A I am thirty three.
Q What is your post office address? A Sallisaw, I.T.
Q Are you married? A Yes sir.
Q What is the name of your husband? A Henry C. Agent.
Q Have you any children? A Yes sir, two.
Q What are their names and ages? A Ruby G. Agent and Charlie C.
Q How old is Ruby? A Ten years old.
Q How old is Charlie? A Eight.
Q You and your children have always been recognized and enrolled by the Cherokee tribal authorities as citizens of the Cherokee Nation?
A Yes sir.
Q You participated in the payment of moneys made to the citizens by blood of the Cherokee Nation? A Yes sir.
Q What is your father's name? A Charles A. Fargo.
Q He was a citizen by blood of what tribe of Indians? A Cherokee.
Q What is your mother's name? A Narcissa.
Q She was a citizen by blood of what tribe? A Choctaw.
Q Of the Choctaw? A Yes sir.

- Q Have you or your children ever been recognized by the tribal authorities of the Choctaw Nation as citizens of that tribe? That is, have you ever drawn any money? A No sir, we have never drawn any money; my mother drew money but we never did; never lived there.
- Q You were admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes under the act of Congress of June 10, '96, were you not? A Yes sir.
- Q Your two children were admitted with you? A Yes sir.
- Q And there was no appeal taken from that decision of the Commission? A No sir.
- Q It appears from the records that you and your two children, Ruby G. and Charlie C. Agent are recognized citizens of both the Cherokee and the Choctaw Tribes of Indians in Indian Territory. The twenty first section of the act of Congress of June 128, 1898, provides: "The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he had resided, and there be given such allotment and distributions, and not elsewhere."
- Now under this existing legislation do you elect for yourself and your two minor children to be finally enrolled by this Commission and the Secretary of the Interior as citizens of the Choctaw or Cherokee Nation? A Choctaw I guess.
- Q Well, don't guess. We want to settle this now? A I have always lived up there.
- Q You want to be finally enrolled in which nation? A Choctaw.
- Q In the event that the Commission to the Five Civilized Tribes enrolls you and your two children as citizens of the Choctaw Nation and such enrollment is approved by the Secretary of the Interior, do you relinquish upon your part and on behalf of your two children all your right, title and interest in and to the lands and property in the Cherokee Nation? (No answer)
- Q Do you understand that question? A Not exactly.
- Q Now if you are enrolled by the Commission as a citizen of the Choctaw Nation and that enrollment is approved by the Secretary of the Interior do you relinquish all your right, title and interest in and to the lands and property of the Cherokee Tribe of Indians? A Why, of course, I take my selection.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on February 19, 1902, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell

Subscribed and sworn to before me this 20th day of February, 1902.

Charles M. [Signature]
Notary Public.

CHOCTAW.

20

IN RE

Application for Enrollment of

INFANT CHILD

Paul Goodman

as a citizen of

Choctaw

Nation.

Approved, NOV 4 1901 190

[Signature]

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 4 1901

[Signature]

ACTING CHAIRMAN

CHOCTAW.

D-672.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
 of Ruth Goodman, born on the 7th day of Feb, 1900.
 (Here insert name of child)
 Name of Father: Joe H. Goodman, a citizen of the United States Nation.
 Name of Mother: Eda J. Goodman, a citizen of the Cherokee Nation.
 Post-office, Muldrow, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

Nowata

District.

I, Eda J. Goodman, on oath state that I am 31
 years of age and a citizen, by blood, of the Cherokee Nation;
 that I am the lawful wife of Joe H. Goodman, who is a citizen, by
marriage, of the Cherokee Nation, that a Female child was
 (male or female.)
 born to me on the 7th day of Feb, 1900; that said child has been
 named Ruth Goodman, and is now living.

WITNESSES TO MARK

(Must be Two
Witnesses)Eda J. GoodmanSubscribed and sworn to before me this 9th day of Aug, 1901.Geo. H. Bredlow
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

Nowata

District.

I, Mary Toles, a midwife, on oath state that I
 attended on Mrs. Eda J. Goodman, wife of Joe H. Goodman,
 on the 7th day of Feb, 1900; that there was born to her on
 said date a Female child; that said child is now living and is said to have been
 (male or female.)
 named Ruth Goodman.

WITNESSES TO MARK:

(Must be Two
Witnesses)Eller, Mary
Geo. H. BredlowMary Toles
markSubscribed and sworn to before me this 9th day of Aug, 1901.Geo. H. Bredlow
NOTARY PUBLIC.

Muskogee, Indian Territory, January 13, 1902.

Mrs. Ida Goodman,

Muldrow, Indian Territory.

Dear Madam:

Upon an examination of the records of the Commission it appears that you and your children, Clyde and Willis Goodman, were admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), and that you and your children have been listed for enrollment by the Commission as citizens of said Nation.

It further appears that you and your children are also Cherokee Indians; that your name appears upon the Cherokee roll of 1880, and the Census Roll of 1896; also that the names of your children appear upon the latter roll.

The Act of Congress approved June 28, 1898, provides:

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

In view of the provision of law herein quoted you will be given thirty days in which to appear before the Commission at its

Mrs. I. C. —/B.

general offices in Muskogee, Indian Territory, and elect in which of said Nations, the Cherokee or Choctaw, you and your children desire to be finally enrolled.

Upon your failure to comply with the request made, the Commission will proceed to enroll you in the tribe with whom you reside.

Yours truly,

(SIGNED)

I. B. Needles.

Commissioner in Charge.

Register.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, FEBRUARY 19, 1902.

In the matter of the application for enrollment as citizens by blood of the Choctaw Nation of Ida Goodman and her three minor children, Clyde, Willis O. and Ruth Goodman, and her right to select for herself and her children to be so finally enrolled under the provisions of the twenty first section of the act of Congress of June 28, 1898.

Ida Goodman, having been first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A Ida Goodman.
Q How old are you? A Thirty one.
Q What is your post office address? A Muldrow.
Q What is your father's name? A Charles Fargo.
Q Is he living? A Yes sir.
Q He is a citizen by blood of what tribe of Indians? A Cherokee.
Q What is your mother's name? A Narcissa.
Q Is she living? A No sir.
Q She is a citizen by blood of what tribe of Indians? A Choctaw.
Q How many children have you? A Three.
Q What is the name and age of the first one? A Clyde, ten, Willis six
Ruth, two.
Q You are the mother of all three of these children, are you?
A Yes sir.
Q Who was the father of them? A Joe W. Goodman.
Q Joe W. Goodman? A Yes sir.
Q Your youngest child, Ruth, is only two years of age? A Yes sir.
Q Have you since the preparation of either of the tribal rolls of
the Choctaw and Cherokee Nations? A She is not on the Cherokee
roll.
Q She was born since the last roll was made in the Cherokee Nation?
A Yes sir.
Q You and your other two children are enrolled on the Cherokee roll?
A Yes sir.
Q You have drawn money for yourself and your children as Cherokee?
A Yes sir.
Q Have you rights to citizenship in the Cherokee Nation ever been
disputed? A No sir.
Q Have you ever made application for enrollment to the Commission, for
the enrollment of yourself and your children as citizens of the
Cherokee Nation? A No sir.

The name of Ida Goodman is found upon the 1880 authentic-
ated roll of the Cherokee Nation, page 484,
number 308, registered as Ruth, also on the
1890 Cherokee roll, number 10, registered as Ida
Goodman, and on the 1900 roll, number 484, registered

District as Ida Goodman. The name of her first child, Clyde Goodman, is found on the 1894 Cherokee Strip Payment Roll, Sequoyah District, Number 587; also the 1896 Cherokee Roll, Sequoyah District, Number 624. The name of the second child, Willis O. Goodman, is found on the 1896 Census Roll of the Cherokee Nation, Sequoyah District, Number 625.

- Q Have you or your children ever drawn any payments of moneys made to to the citizens by blood of the Choctaw Nation? A No sir.
- Q Have you ever been enrolled by the Choctaw tribal authorities as citizens of the Choctaw Nation? A No sir.
- Q You and your two children, Clyde F. and Willis O. were admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896?
- A Yes sir.
- Q Was there ever any appeal taken from the decision of the Commission so admitting you and your children to citizenship in the Choctaw Nation? A No sir.

Ida Goodman and her two children, Clyde F. and Willis O. were admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes under the provisions of the act of Congress of June 10, 1896, Choctaw citizenship case Number 489, no appeal being taken from the decision of the Commission in said case. There is on file with the Commission evidence of the birth of the youngest child, Ruth Goodman, born February 7, 1900, subsequent to the preparation of the last tribal roll of the Choctaw and Cherokee Nations, and after the expiration of the time within which the Commission to the Five Civilized Tribes could act upon applications for citizenship under the act of Congress of June 10, 1896.

- Q Mrs. Goodman, it appears from the records of the Cherokee Nation in the possession of the Commission and from the records of the Commission that you and your three children, Clyde, Willis O. and Ruth Goodman are recognized citizens of both the Cherokee and Choctaw Tribes of Indians in Indian Territory. The twenty first section of the act of Congress of June 28, 1898, provides:

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

Now under this legislation do you elect for yourself and your three minor children to be finally enrolled by this Commission and the Secretary of the Interior as citizens of the Choctaw or of the Cherokee Tribe of Indians in Indian Territory? A The Choctaw.

- Q In the event that you and your children are enrolled by the Commission as citizens of the Choctaw Nation and such enrollment is approved by the Secretary of the Interior, do you relinquish for yourself and your three minor children all right, title and inter-

est you might have in and to the tribal property of the Cherokee
Tribe of Indians in Indian Territory? A Yes sir.

Anna Bell, having been first duly sworn, on her oath states
that as stenographer to the Commission to the Five Civilized Tribes
she reported in full all proceedings had in the above entitled cause
on February 19, 1902, and that the above and foregoing is a full,
true and correct transcript of her stenographic notes in said cause
on said date.

Anna Bell

Subscribed and sworn to before me this 20th day of February, 1902.

Charles H. Wood
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE INDIAN TERRITORY, FEBRUARY 19, 1902.

In the matter of the application for enrollment as a citizen by blood of the Choctaw Nation of Emily Fargo, and her right to elect to be so enrolled under the provisions of the twenty first section of the act of Congress of June 28, 1898.

Examination by the Commission.

- Q What is your name? A Emily Fargo.
Q How old are you? A Twenty three.
Q What is your post office address? A Muldrow.
Q Muldrow is in what nation? A Cherokee Nation.
Q Have you always lived in the Cherokee Nation? A Yes sir.
Q Never have lived in the Choctaw Nation? A No sir.
Q What is your father's name? A Charles Fargo.
Q Is he living? A Yes sir.
Q Of what tribe of Indians in Indian Territory is he a member?
A Cherokee.
Q What is your mother's name? A Narcissa.
Q Is she living? A No sir.
Q Of what tribe of Indians in Indian Territory is she a member?
A Choctaw.
Q What year was you born? A In 1879.
Q That was prior to the preparation of the 1880 roll? A Yes sir.
Q Is your name on the 1880 roll? A Yes sir.
Q You have always since that time been recognized as a citizen of the Cherokee Nation? A Yes sir.
Q Have your citizenship rights as a Cherokee ever been disputed?
A No sir.

The name of Emily Fargo is found on the 1880 authenticated roll of the citizens of the Cherokee Nation, Sequoyah District, 304, and also on the 1896 census roll of the Cherokee Nation, page 1069, Number 570, Sequoyah District.

- Q Did you draw the Cherokee Strip payment in '94? A Yes sir.
Q Have you ever been recognized and enrolled by the tribal authorities of the Choctaw Nation as a citizen of that nation? A No sir.
Q Never have drawn any money as a citizen of the Choctaw Nation?
A No sir.
Q Was you admitted to citizenship in the Choctaw Nation? A Yes.
Q Admitted by the Commission to the Five Civilized Tribes? A Yes sir.

Emily Fargo, being the identical person as Emily Fargo in this application, was admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes under the provisions of the act of Congress of June 10, 1896, in Choctaw citizenship case Number 489.

There was no appeal taken from the decision of the Commission in this case within the time prescribed by the provisions of the act above referred to.

Q Have you any children? A No sir.
 Q Never have been married? A No sir.
 Q Just applying for yourself? A Yes sir.
 Q It appears from the records of the Cherokee Nation in the possession of the Commission and also from the records of the Commission that you have always been recognized as a citizen of the Cherokee Nation by the Cherokee tribal authorities and that you have also been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes. Section twenty one of the act of Congress of June 28, 1898, provides:

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

Now under this legislation do you elect to be finally enrolled by the Commission to the Five Civilized Tribes and the Secretary of the Interior as a citizen of the Cherokee or of the Choctaw tribe of Indians in Indian Territory? A Choctaw.

Q In the event that you are enrolled by the Commission to the Five Civilized Tribes as a citizen of the Choctaw Nation and such enrollment is approved by the Secretary of the Interior, do you re-

linquish all your right, title and interest in and to the tribal property of the Cherokee Nation? A Yes sir.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on February 19, 1902, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell

Subscribed and sworn to before me this 20th day of February, 1902.

Charles H. Wood
 Notary Public.

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-7-D-489-672-701-

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Annie G. Agent, et al., as citizens by blood of the Choctaw Nation,
consolidating the applications of--

Annie G. Agent, et al.,	Choctaw D-489;
Ida Goodman, et al.,	Choctaw D-672;
Emily Fargo,	Choctaw D-701.

DECISION.

The record in this case shows that on September 14, 1899, application was made to the Commission at South Canadian, Indian Territory, for the enrollment of Annie G. Agent and her two minor children, Ruby G. and Charlie C. Agent, as citizens by blood of the Choctaw Nation; that on June 25, 1900, application was made to the Commission for the enrollment of Ida Goodman and her two minor children, Clyde F. and Willis O. Goodman, and that on February 19, 1902, application was made to the Commission, at Muskogee, Indian Territory, for the enrollment of Emily Fargo as a citizen by blood of the Choctaw Nation. Further proceedings in the matter of the two first-named applications were had at Muskogee, Indian Territory, on February 19, 1902. Since the filing of the original application there have been offered in evidence affidavits showing the birth of Ruth Goodman, to Ida Goodman, on February 7, 1900. Said affidavits are attached hereto and made a part of the record in this case.

It further appears from the evidence submitted in support of this application and the records in the possession of the Commission that all the applicants herein are the descendants of Charles A. Fargo, a Cherokee Indian, and Narcissa Fargo, a Choctaw Indian; that they are residents of the Cherokee Nation, Indian Territory, and have been recognized and enrolled by the tribal authorities of the Cherokee Nation as citizens of said tribe in Indian Territory. All the applicants herein are identified either upon the 1880 or the 1896 Cherokee rolls, with the exception of the minor applicant, Ruth Goodman, who was born subsequent to the preparation of said rolls.

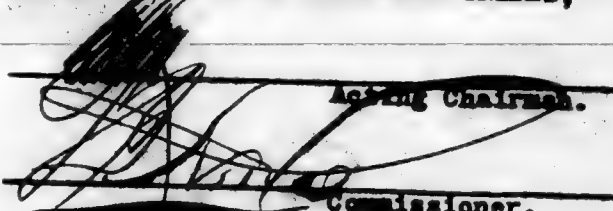
It further appears from the evidence submitted and the record of persons applying to the Commission for admission to Choctaw citizenship in 1896 that the names of all the applicants herein, with the exception of the said Ruth Goodman, appear as parties applicant in the original application entitled "Ann Agent, et al., vs. Choctaw Nation," Choctaw citizenship docket, case No. 489, for admission to citizenship in the Choctaw Nation, filed with the Commission to the Five Civilized Tribes on September 7, 1896; that on December 2, 1896, all of said parties were admitted to citizenship in the Choctaw Nation by the Commission, acting under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321), and that no appeal was taken from said decision of the Commission.

It further appears that all the applicants herein, with the exception of the said Ruth Goodman, born subsequent to said date, were residents in good faith of Indian Territory on June 28, 1898.

It also appears from the evidence submitted that Annie G. Agent, for herself and her two minor children, Ruby G. and Charlie C. Agent; Ida Goodman, for herself and her three minor children, Clyde F., Willis O. and Ruth Goodman, and Emily Fargo, for herself, have elected to be enrolled and take allotment of land and distribution of moneys in the Choctaw Nation.

It is, therefore, the opinion of this Commission that Annie G. Agent, Ruby G. Agent, Charlie C. Agent, Ida Goodman, Clyde F. Goodman, Willis O. Goodman, Ruth Goodman and Emily Fargo, in accordance with their said election, are entitled to be enrolled as citizens by blood of the Choctaw Nation, and that the application for their enrollment as such should be granted, under the provisions of Section 21 of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee,
Indian Territory, this

DEC -1 1902

COPY.

Choctaw, D, 468.

Muskogee, Indian Territory, December 1, 1902.

Annie G. Agent,

Salisaw, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission, rendered December 1, 1902, granting the application of yourself and your two minor children, Ruby G. and Charlie G. Agent, for enrollment as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision, and have been allowed fifteen days from this date, within which to file protest against the enrollment of yourself and your two minor children, Ruby G. and Charlie G. Agent, as citizens by blood of the Choctaw Nation, and if, at the expiration of that time, no protest has been filed the said Annie G. Agent, Ruby G. Agent and Charlie G. Agent, will be regularly listed for enrollment as citizens of the Choctaw Nation.

Respectfully,

CHAS. E. BIRBY

James Birby.

Acting Chairman.

Registered
Enc. H. G. 4.

COPY

Choctaw, D. 672.

Muskogee, Indian Territory, December 1, 1902.

Ida Goodman,

Muldrow, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission, rendered December 1, 1902, granting the application of yourself and your three minor children, Clyde F., Willis O. and Ruth Goodman, for enrollment as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision, and have been allowed fifteen days from this date, within which to file protest against the enrollment of yourself and your three minor children, Clyde F., Willis O. and Ruth Goodman as citizens by blood of the Choctaw Nation, and if, at the expiration of that time no protest has been filed, the said Ida Goodman, Clyde F. Goodman, Willis O. Goodman and Ruth Goodman, will be regularly listed for enrollment as citizens of the Choctaw Nation.

Respectfully,

(SIGN. L.)

Wm. Dixby
Acting Chairman.

Registered,
Esp. H. G. S.

Choctaw: D. 701.

Muskogee, Indian Territory, December 1, 1908.

Daily Ferge,

Muldrow, Indian Territory.

Dear Nations:

Inclosed herewith you will find a copy of the decision of the Commission, rendered December 1, 1908, granting the application of Daily Ferge, for enrollment as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision, and have been allowed fifteen days from this date, within which to file protest against the enrollment of Daily Ferge, as a citizen of the Choctaw Nation, and if, at the expiration of that time no protest has been filed, the said Daily Ferge will be regularly listed for enrollment as a citizen of the Choctaw Nation.

Respectfully,

SIGNED

Registered
Enc. H. U. 8.

John P. Pitts
Acting Chairman

Cherokee, D. 190,
D. 198,
D. 701.

Mustang, Indian Territory, December, 1, 1902.

Sanfield, McMuray & Sprink.

Attorneys for the Cherokee and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered December 1, 1902, granting the applications of Annie C. Agent, Ruby C. Agent, Charlie C. Agent, Ida Goodman, Clyde F. Goodman, Willie C. Goodman, Ruth Goodman and Billy Farrow, for enrollment as citizens by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make, against the enrollment of the said Annie C. Agent, Ruby C. Agent, Charlie C. Agent, Ida Goodman, Clyde F. Goodman, Willie C. Goodman, Ruth Goodman and Billy Farrow, as citizens of the Cherokee Nation, and make satisfactory proof of service of said protest upon the applicants herein. If you fail to file a protest within the time allowed, these applicants will be regularly listed for enrollment.

Respectfully,

(SIGNED)

Register
Wm. H. B. B.

Acting Chairman.

Cherokee D-139.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Annie G. Agent et al., as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on August 17, 1900, Henry Clay Agent appeared before the Commission at Muldrow, Indian Territory, and made application for the enrollment of his wife, Annie G. Agent, and their minor children, Rubie G. and Charles C. Agent, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on February 19, 1902. The application also included the enrollment of Henry Clay Agent as a citizen by intermarriage of the Cherokee Nation, but his status as such is not passed upon at this time and he is not embraced in this decision. Proceedings had at South Canadian, Indian Territory, and at Muskogee, Indian Territory, are filed with and made a part of the record herein.

The evidence shows that Annie G., Rubie G. and Charles C. Agent have made application to this Commission for enrollment as citizens by blood of the Choctaw Nation; that they have been enrolled as such by this Commission and their said enrollment has been approved by the Secretary of the Interior on April 11, 1903, on Choctaw roll, opposite numbers 14464, 14465 and 14466 respectively.

Section twenty-eight of the act of Congress approved July 1, 1902 (32 Stats., 716), provides:

"No person whose names appears upon the roll made by the Dawes Commission as a citizen or freedman of any other tribe shall be enrolled as a citizen of the Cherokee Nation."

It is, therefore, the opinion of this Commission that the application for the enrollment of Annie G. Agent, Rubie G. Agent and

Charles C. Agent as citizens by blood of the Cherokee Nation should be denied, under the provisions of law above quoted, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED

James Bird

Chairman.

SIGNED

T. B. Neaves

Commissioner.

SIGNED

O. R. Broombridge

Commissioner.

SIGNED

W. E. Stanley

Commissioner.

Dated at Muskogee, Indian Territory,
this MAR 10 1904

Department of the Interior,
Commission to the Five Civilized Tribes,
Muldrow, I.T., August 17, 1900.

In the matter of the application of Henry Clay Agent for the enrollment of himself by intermarriage and his wife and two children as Cherokees by blood; being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A Henry Clay Agent.
Q What is your age? A 36.
Q What is your post office address? A Sallisaw.
Q Are you a recognized citizen of the Cherokee Nation? A I am.
Q By blood? A No, sir.
Q By intermarriage? A Yes, sir.
Q What district do you live in? A Sequoyah.
Q How long have you lived in Sequoyah District? A Ten years.
Q Continuously? A Yes, sir.
Q For whom do you apply? A For myself and wife, and children; I don't know about my wife, we were admitted by you people to the Choctaw Nation and you afterwards refused to enroll us there.
Q Your father and mother are non citizens? A Yes, sir.
Q Are you married? A I am.
Q What is your wife's name? A Annie Gertrude.
Q What is her father's name? A Charles A. Fargo.
Q Her mother's name? A Maroisa Fargo.
Q Are they living? A Mr. Fargo is living, her mother isn't.
Q What children have you got? A Two.
Q What are their names? A Rubie Gertrude, 8 years old.
Q What is the other child's name? A Charley Clay, 6 years old.
Q How old is your wife? A 32.
Q Is your wife a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Does her name appear upon the authenticated roll of 1880?
A Yes, sir.
(On 1880 roll, page 896, No. 499, Annie Fargo, Sequoyah District; on 1896 roll, page 1049, No. 28, Annie Agent, Sequoyah District. Clay Agent on 1896 roll, page 1111, No. 4, Sequoyah District.)
Q Have you got a certificate of your marriage? A Yes, sir, I have.
Q Said Henry Clay Agent presents a regular marriage license, issued by the Cherokee Nation on the 7th day of February, 1891, under the seal of the Nation, and a certificate of marriage, certifying that he was married to Miss Annie G. Fargo on the 8th of March, 1891, which is in due form and satisfactory. How long has your wife, Annie G. Fargo, resided in the Cherokee Nation? A All her life time.
Q Never resided out? A No, sir. Capt. McKennon failed to place us on the final roll there on account of her being on the 1880 roll of the Cherokee Nation.
Q Why did you apply in the Choctaw Nation? A Simply because I was acquainted with him and I was told here they would have to follow the mother blood in regard to enrollment, and they would have to go there because her mother was a Choctaw; she was here on the roll of 1880 as a Choctaw.
Q She was on the 1880 roll as a Choctaw? A As a Choctaw, or an adopted citizen; she is a sister of Jacobs.
Q You didn't move down there? A No, sir.
(Rubie Gertrude Agent on 1896 roll, page 1049, No. 29, Rubie G. Agent, Sequoyah District. Charley Clay Agent on 1896 roll, page 1049, No. 30, Charlie G. Agent, Sequoyah District.)
Q Are these children alive and living with you? A Yes, sir.
Mr. W.T. Hutchings, attorney for Cherokee Nation: Which one of the Tribes, the Cherokee or the Choctaw, do you desire yourself and family enrolled in? A In the Choctaw, and it is so marked on the Choctaw rolls, or card.

The name of Henry C. Agent appears upon the census roll of 1880, and he presents a regular license and certificate, certifying that he was married to Annie S. Fudge in the year 1891; and the name of his wife, Annie S. Fudge, appears upon the authenticated roll of 1880 as Annie S. Fudge and upon the census roll of 1880 as Annie S. Agent; and the name of the children also appearing upon the roll of 1880, and they all being fully identified, and having made satisfactory proof as to their residence; but upon examination of the records of the Dawes Commission in 1890 as to the application for Cherokee citizenship, it is found that the said Annie Agent, Rubie C. Agent and Charlie C. Agent were duly admitted to citizenship by said Commission in the year 1890 as Cherokee citizens, and no appeal was taken therefrom. It also appears from the evidence that the said applicants applied to the Dawes Commission for enrollment under said judgment, and because of the fact being ascertained that she was on the roll of 1880 in the Cherokee Nation, they were placed upon what is known as a doubtful card for future consideration.

Final judgment of the Commission at this time as to the enrollment of these applicants will be suspended, and their names will be placed upon a doubtful card for further consideration by this Commission.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

(Signed) Bruce G. Jones.

Sworn to and subscribed before me this the 24th day of August, 1900.

(Signed) F. B. Needles,

Commissioner.

Arthur S. Greeninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Arthur S. Greeninger

Subscribed and sworn to before me this 5th day of November, 1901.

[Signature]

Commissioner.

(Date).....Sept 14.....1899

Choctaw? **County** **Year** **No.**

Chickasaw? **County** **Year** **Page**

Citizen by blood?..... Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name, Annelle T. Agent

Choctaw? Yes County _____ Year _____ No. _____

Chickasaw? County Year Page

Citizen by blood? Yes Mother's citizenship.....

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

4 v. Ruby G. Agent County Year Page No.

6 ✓ Charles C. County Year Page No.

County Year Page No.

County Year Page No.

County	Year	Page	No.
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County _____ Year _____ Page _____ No. _____

County _____ Year _____ Page _____ No. _____

County _____ Year _____ Page _____ No. _____

County _____ Year _____ Page _____ No. _____

County _____ Year _____ Page _____ No. _____

Admitted by Power Com^{#1} as Annie
Agent # 489 # 2 as Rully G.
" # 3 as Charlie C. Agent

#1 On roll of 1880 in Cherokee Nation; #2 & 3 are
on subsequent rolls Cherokee " " - See
testimony of Henry C. Agent, husband
of #1 - If above family should have the right
to be on roll in Cherokee Nation.

Under the Act of Congress of June 10, 1896, there was filed with the Commission to the Five Civilized Tribes, an application for citizenship in the Choctaw Nation of Ann Agent et al., and the same appears upon the records of the Commission upon 1896 citizenship Docket C., page 281, Choctaw case #489. The parties to this application are Ann Agent and her two children, Rubie G. and Charley Agent. Ida Goodman and her two children, Clyde F. and Willis O. Goodman. And Robert L., Benjamin, Emma, Isaac, and Edwin Fargo, the children of Charles Fargo and Narcissa Fargo. The original petition of these persons was filed September 7, 1896 and the answer of the Choctaw Nation on October 9, 1896. On December 2, 1896 the Commission admitted to citizenship in the Choctaw Nation all of these applicants and there is no record of any appeal having been taken from the decision of the Commission under the time prescribed by the Act of Congress of June 10, 1896.

Annie G. Agent and her two children, Rubie Gertrude Agent and Charley Clay Agent have applied for enrollment as citizens of the Cherokee Nation, and appear on Cherokee roll card Field Number D-139. A letter from the Cherokee enrollment Division of November 9th, 1901, states that it does not appear from an examination of their records that any application has been made for enrollment as citizens of the Cherokee Nation by Ida Goodman for herself and her two children, Clyde F. and Willis O. Goodman.

(2).

Isaac and Edward Fargo were "Enrolled as Cherokees by blood August 13, 1900, on Cherokee straight card number 1304."

Benjamin Fargo was "Enrolled as a Cherokee by blood August 17, 1900, on Cherokee roll card Field Number 1552."

Emma Fargo, under the name of Emily Fargo, was "Listed for enrollment as a Cherokee citizen by blood August 16, 1900 on Cherokee roll card Field Number 1615."

An examination of the records of the Cherokee Division fail to show that any application has ever been made for the enrollment of Robert L. Fargo as a citizen of the Cherokee Nation.

Annie G. Agent, and her two children, Rubie G. and Charles C. Agent are applicants for enrollment as citizens of the Choctaw Nation and appear upon the records of the Choctaw-Chickasaw enrollment division on Choctaw roll card Field Number D-489.

Ida Goodman is an applicant for the enrollment of herself and her three minor children, Clyde, Willis O. and Ruth Goodman and they appear upon the records of the Choctaw-Chickasaw enrollment division on Choctaw roll card Field Number D-672.

Robert L. Fargo is an applicant for enrollment as a citizen of the Choctaw Nation and appears upon the records of this division on Choctaw roll card Field Number 2931.

Isaac C. Fargo is an applicant for enrollment as a citizen of the Choctaw Nation and his name appears upon our records on Choctaw roll cards Field Number D-490.

It does not appear from the records of this Division

(3).

that any application has ever been made by Benjamin, Emma and Edwin
Fargo for enrollment as citizens of the Choctaw Nation.

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
ARCHIBALD S. MCKENNON,
THOMAS B. NEEDLES.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

C. 281

Muskogee, Indian Territory, March 20, 1900.

Joe M. Goodman, Esq.,

Muldrow, Indian Territory.

Dear Sir:

Your letter of March 16th is received. The records of this Commission show that Annie Agent, Ruby L. Agent, Charley C. Agent, Ida Goodman, Clyde F. Goodman, Willis O. Goodman, et al were admitted to citizenship in the Choctaw Nation by this Commission in 1896. There appears to have been no appeal taken to the United States Court, in which case they are entitled to enrollment as Choctaw citizens. It is absolutely essential, however, that a personal application be made to this Commission for enrollment. The heads of families may enroll their wives and children. Application may be made to the Commission at Muskogee at any time for that purpose.

Yours truly,

Tamm Bixby

Acting Chairman.

Choctaw case 489.

Muskogee, Indian Territory, March 5, 1901.

Manfield, McHenry and Gerwin,
Attorneys at Law,
South McAlester, Indian Territory.
Gentlemen:

Receipt is hereby acknowledged of your letter of the 2nd instant, in which you desire to be informed if Annie S. Agent has been listed for enrollment as a citizen by intermarriage of either the Choctaw or Chickasaw Nations; and, if so, that you be furnished with the number of the card, the names of such other persons as may appear in her application, their relationship to her, and their post office addresses. You also request that you be furnished with the names and nativity of the parents of Annie S. Agent, as the same appears upon our records.

We have to inform you that it appears from our records that on February 14, 1900, Annie S. Agent, thirty-one years of age, of Salicaw, Indian Territory, appeared before the Commission and made application for the enrollment of herself and her two children, Ruby and Charles S. Agent, as citizens of the Choctaw Nation.

The name of Mrs. Agent's father appears upon our records as Charles A. Fargo, a Cherokee citizen, and the name of her mother, as Harrietta Fargo, a citizen by blood of the Choctaw Nation.

The name of Mrs. Agent and her two children appear upon our records as applicants for enrollment as citizens of the Choctaw Nation on Choctaw roll card, Field Number D-489.

M.M.S. C. 22.

It also appears that under the act of Congress of June 10, 1896, this Commission admitted to citizenship in the Cherokee Nation, Annie G. Agent and her two children, Ruby G. and Charlie G. Agent. This case appears upon our records of 1896, citizenship cases, as number 400. It also appears that the name of Annie G. Agent, under her maiden name of Fargo, is on the 1886 authenticated rolls of the citizens of the Cherokee Nation, and that the names of her two children, Ruby and Charlie G. Agent, are on the subsequent rolls of the Cherokee Nation. The father of the two children, Ruby and Charlie G. Agent, appears upon our records as Henry G. Agent, a non-citizen white man.

At Muldrow, Indian Territory, on August 17, 1900, Henry Clay Agent, thirty-six years of age, appeared before the Commission and made application for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Annie Gertrude, and his two children, Ruby Gertrude and Charlie Clay Agent, as citizens by blood of the Cherokee Nation.

W. Agent, at that time, stated that if he be so allowed, he would elect for his wife and children to be finally enrolled as citizens of the Cherokee Nation, and that they take their allotments of lands as citizens of that Nation.

The name of Mr. Agent, his wife, and their children appear upon the records of the Commission as applicants for enrollment as citizens of the Cherokee Nation, on Cherokee roll card, file number, D-139.

Yours truly,

Active Commission

Waskagee, Indian Territory, April 13, 1901.

Mr. H. B. Jackson,
Attorney at Law,
Ballisaw, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 6th inst., making inquiry relative to the citizenship of Annie G. Agent and her husband, Henry Clay Agent.

You are informed that it appears from the records of the Commission that on February 14, 1899, Annie G. Agent, 31 years of age, of Ballisaw, Indian Territory, appeared before the Commission and made application for the enrollment of herself and her two minor children, Ruby and Charles G. Agent, as citizens of the Cherokee Nation.

The name of Mrs. Agent's father appears upon the records of the Commission as Charles A. Furge, a Cherokee citizen, and the name of her mother as Fereima Furge, a citizen by blood of the Cherokee Nation. The name of Mrs. Agent and her two children appear upon the records of the Commission as applicants for enrollment as citizens of the Cherokee Nation, in Cherokee Roll Case, Field No. 469.

It also appears that under the Act of Congress of June 18, 1900, this Commission admitted to citizenship in the Cherokee Nation Annie G. Agent and her two children, Ruby G. and Charles G. Agent.

A. E. Jackson-----

This name appears upon the records of 1894 citizenship cases as No. 450.

It also appears that the name of Annie G. Agent, under her maiden name of Farge, is on the 1880 authenticated rolls of citizens of the Cherokee Nation and that the names of her two children, Ruby and Charlie G. Agent, are on the subsequent rolls of the Cherokee Nation. The father of the two children, Ruby and Charlie G. Agent, appears on our records as Henry G. Agent, a non-citizen white man. The records of the Commission further show that at Muskogee, Indian Territory, August 17, 1900, Henry Clay Agent, 34 years of age, appeared before the Commission and made application for the enrollment of himself as a citizen by intermarriage and for the enrollment of his wife, Annie Gertrude, and his two children, Ruby Gertrude and Charlie Clay Agent, as citizens by blood of the Cherokee Nation. Mr. Agent at that time stated that if he be so allowed he would consent for his wife and children to be finally enrolled as citizens of the Cherokee Nation and that they take their allotments of lands as citizens of that Nation. The names of Mr. Agent, his wife and their children, appear upon the records of the Commission as applicants for enrollment as citizens of the Cherokee Nation on Cherokee Roll Card, Field No. B-139.

Yours truly,

Acting Chairman.

7-2-100

Muskogee, Indian Territory, November 4, 1901.

Cherokee Enrollment Division,

Commission to the Five Civilized Tribes,

Tahlequah, Indian Territory.

Gentlemen:

Under the Act of Congress of June 10, 1896, there was filed with this Commission an original application for citizenship in the Choctaw Nation of Ann Agent et al. vs the Choctaw Nation. Included in such applications were the names of Annie Agent, Ruby Agent, Charlie C. Agent, Ida Goodman, Clyde F. Goodman, Willis C. Goodman, Robert L. Fargo, Benjamin Fargo, Emma Fargo, Isaac Fargo and Edwin Fargo.

The Commission admitted to citizenship in the Choctaw Nation, the persons above named and there is no record of any appeal having been taken from such decision.

Annie J. Agent and her two children, Ruby and Charles C. Agent, are now applicants before this Commission for enrollment as citizens by blood of the Choctaw Nation and appear upon our records on Choctaw roll card, Field No. D 489.

Robert L. Fargo is an applicant for enrollment as a citizen by blood of the Choctaw Nation and his name appears upon our records on Choctaw roll card, field No. 2021.

Commission-Tablequah-2

Isaac Farge is an applicant for enrollment as a citizen by blood of the Choctaw Nation and appears upon our records on Choctaw roll card, field No. D 490.

Ida Goodman and her three children, Clyde, Willis O. and Ruth Goodman are applicants before this Commission for enrollment as citizens by blood of the Choctaw Nation and their names appear upon our records on Choctaw roll card, field No. D 672.

The names of all of the persons above cited with the exception of Ruth Goodman, are also on the rolls of the citizens of the Cherokee Nation and this division has been informed that application has been made for their enrollment as citizens by blood of the Cherokee Nation.

You are requested to inform this office if such application has been made, the number of the Cherokee card upon which they have been listed for enrollment and if possible furnish a copy of the testimony of applicants at the time of their personal appearance.

The Choctaw-Chickasaw Division has no record of any application having been made for enrollment as citizens of the Choctaw Nation of Benjamin, Emma and Edwin Farge. If application has been made by them for enrollment as citizens of the Cherokee Nation, you are requested to furnish this office with the number of the Cherokee card upon which their names have been placed and a copy of the testimony at the time of their application for enrollment.

Yours truly,

Acting Chairman.

7-D-701
7-D-872
7-D-489

Muskogee, Indian Territory, December 3, 1902.

Cherokee Enrollment Division,

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

You are advised that on December 1, 1902, the Commission rendered its decision granting the applications for enrollment as citizens of the Choctaw Nation of Annie G. Agent and her two minor children, Ruby G. and Charles G. Agent, on Cherokee roll card D-139; Ida Goodman and her three minor children, Clyde, Willis O. and Ruth Goodman; and Emily Fargo, Cherokee roll card 1518.

These persons have also been enrolled by the Cherokee tribal authorities as citizens of the Cherokee Nation; but on February 19, 1902, they appeared before the Commission at Muskogee, Indian Territory, and elected to be finally enrolled as citizens of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been allowed fifteen days within which to file protests against the enrollment of the above named parties. If at the expiration

Page 2

of the fifteen days no protests have been filed, the said parties
will be enrolled as citizens of the Charter Union.

Respectfully,

Acting Chairman.

COMMISSIONERS:
HENRY L. DAWES,
TAMM DIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee 1516,
D-2167,
D-139.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 6, 1902.

Choctaw-Chickasaw Enrollment Division,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:-

Receipt is hereby acknowledged of your letter of December 3,
stating that decisions have been rendered by the Commission and
forwarded to the attorneys for the Choctaw and Chickasaw Nations
for protest, granting the applications for enrollment as citizens
of the Choctaw Nation, of Annie C. Agent et al., Ida Goodman et al.,
and Emily Fargo et al.

It appears that all of the persons above named have also
applied for enrollment as citizens of the Cherokee Nation. As
soon as the decisions above referred to have become final, either
by non-protest on the part of the attorneys for the Choctaw and
Chickasaw Nations, or by approval by the Secretary of the Interior,
you are requested to advise the Cherokee Enrollment Division of
this Commission what disposition has been made of these cases.

Respectfully,


Acting Chairman.

7-5415
7-5414
7-5416

Muskogee, Indian Territory, December 20, 1902.

Cherokee Enrollment Division,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory,

Gentlemen:

In the matter of the applications for enrollment as citizens of the Choctaw Nation of Annie G. Agent, et al., Ida Goodman, et al., and Emily Farge, you are advised that the fifteen days heretofore granted the attorneys for the Choctaw and Chickasaw Nations, within which to file protest against the enrollment of the above named parties, having expired on December 17, 1902, the above named parties have been enrolled by this Commission as citizens by blood of the Choctaw Nation.

Respectfully,

Acting Chairman.

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 139
Choctaw D 489

Muskogee, Indian Territory, January 11, 1904.

Commission to the Five Civilized Tribes,
Choctaw-Chickasaw Enrollment Division,
Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Annie
G. Agent, et al., as citizens by blood of the Cherokee Nation,
Cherokee D 139, it appears that these applicants have also been
listed for enrollment on Choctaw Card D 489, and that a decision
enrolling them as citizens by blood of the Choctaw Nation was for-
warded to the Department for approval on December 1, 1902.

It is requested that the Cherokee Division be advised as to
the present status of these applicants as Choctaw citizens, and if
they have been placed upon the final roll it is requested that their
number on said roll be given, together with the date of the Depart-
ment's approval thereof.

Respectfully,



Commissioner in Charge.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-139.
Choctaw D-489.

Muskogee, Indian Territory, March 11, 1904.

Commission to the Five Civilized Tribes,
Choctaw-Chickasaw Enrollment Division,
Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the Commission's decision, dated March 10, 1904, rejecting the application of Henry Clay Agent for the enrollment of his wife, Annie G. Agent, and his two minor children, Rubie G. and Charles C. Agent, as citizens by blood of the Cherokee Nation.

It appears that application has also been made for the enrollment of these persons as citizens by blood of the Choctaw Nation, and that their enrollment in said Nation was approved by the Secretary of the Interior on April 11, 1903.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. G-28.

Commissioner in Charge.

COMMISSIONERS
TAMM DIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM O BEALL,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Shordrop 2 120

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

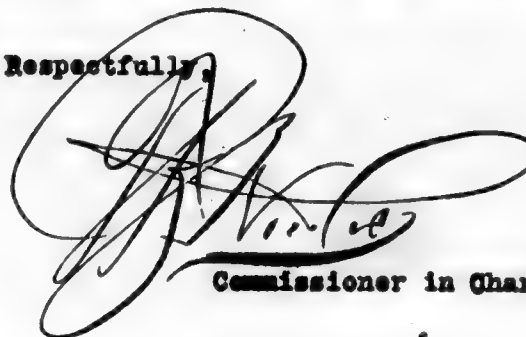
Muskogee, Indian Territory, June 20, 1904.

Commission to the Five Civilized Tribes,
Choctaw-Chickasaw Enrollment Division,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated March 10, 1904, rejecting the application for the enrollment of Annie G., Rubie G. and Charles C. Agent as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on June 20, 1904.

Respectfully,



Commissioner in Charge.

Choc 5614

Ida Goodman

One copy of record filed
in Choc # 5613

5614

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, FEBRUARY 18, 1902.

In the matter of the application for enrollment as citizens by blood of the Cherokee Nation of Ida Goodman and her three minor children, Clyde, Willis G. and Ruth Goodman, and her right to select for herself and her children to be so finally enrolled under the provisions of the twenty first section of the act of Congress of June 20, 1900.

Ida Goodman, having been first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A Ida Goodman.
Q How old are you? A Thirty one.
Q What is your post office address? A Muldrow.
Q What is your father's name? A Charles Farge.
Q Is he living? A Yes sir.
Q He is a citizen by blood of what tribe of Indians? A Cherokee.
Q What is your mother's name? A Narcissa.
Q Is she living? A No sir.
Q She is a citizen by blood of what tribe of Indians? A Cherokee.
Q How many children have you? A Three.
Q What is the name and age of the first one? A Clyde, ten, Willis six
Ruth, two.
Q You are the mother of all three of these children, are you?
A Yes sir.
Q Who was the father of them? A Joe W. Goodman.
Q Joe W. Goodman? A Yes sir.
Q Your youngest child, Ruth G. is only two years of age? A Yes sir.
Q Born since the preparation of either of the tribal rolls of
the Cherokee and Cherokee Nations? A She is not on the Cherokee
roll.
Q She was born since the last roll was made in the Cherokee Nation?
A Yes sir.
Q You and your other two children are enrolled on the Cherokee rolls?
A Yes sir.
Q You have drawn money for yourself and your children as Cherokees?
A Yes sir.
Q Have your rights to citizenship in the Cherokee Nation ever been
disputed? A No sir.
Q Have you ever made application for enrollment in the Commission, in
the enrollment of yourself and your children as citizens of the
Cherokee Nation? A No sir.

The name of Ida Goodman is found upon the 1900 authentica-
ted roll of the citizens of the Cherokee Nation, page 666,
Number 666, Section 1, District 1, as Ida Farge; also on the
1904 Cherokee Nation roll, page 666, Section 1, District 1, as Ida
Goodman, and on the 1906 Cherokee Nation roll, page 666, Section 1,

District as Ida Goodman. The name of her first child, Clyde Goodman, is found on the 1894 Cherokee Strip Payment Roll, Sequoyah District, Number 587; also the 1896 Cherokee Roll, Sequoyah District, Number 631. The name of the second child, Willis O. Goodman, is found on the 1896 Census Roll of the Cherokee Nation, Sequoyah District, Number 625.

- Q Have you or your children ever drawn any payments of moneys made to to the citizens by blood of the Choctaw Nation? A No sir.
- Q Have you ever been enrolled by the Choctaw tribal authorities as citizens of the Choctaw Nation? A No sir.
- Q You and your two children, Clyde F. and Willis O. were admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896?
- A Yes sir.
- Q Was there ever any appeal taken from the decision of the Commission so admitting you and your children to citizenship in the Choctaw Nation? A No sir.

Ida Goodman and her two children, Clyde F. and Willis O. were admitted to citizenship in the Choctaw Nation by the Commission to the five Civilized Tribes under the provisions of the act of Congress of June 10, 1896, Choctaw citizenship case Number 489, no appeal being taken from the decision of the Commission in said case. There is on file with the Commission evidence of the birth of the youngest child, Ruth Goodman, born February 7, 1900, subsequent to the preparation of the last tribal roll of the Choctaw and Cherokee Nations, and after the expiration of the time within which the Commission to the Five Civilized Tribes could act upon applications for citizenship under the act of Congress of June 10, 1896.

- Q Mrs. Goodman, it appears from the records of the Cherokee Nation in the possession of the Commission and from the records of the Commission that you and your three children, Clyde, Willis O. and Ruth Goodman are recognized citizens of both the Cherokee and Choctaw Tribes of Indians in Indian Territory. The twenty first section of the act of Congress of June 25, 1896, provides:

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to such tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

Now under this legislation do you elect for yourself and your three minor children to be finally enrolled by this Commission and the Secretary of the Interior as citizens of the Choctaw or of the Cherokee Tribe of Indians in Indian Territory? A The Choctaw.

- Q In the event that you and your children are enrolled by the Commission as citizens of the Choctaw Nation and such enrollment is approved by the Secretary of the Interior, do you relinquish for yourself and your three minor children all right, title and inter-

out you might have to and to the tribal property of the Cherokee
Tribe of Indians in Indian Territory? A Yes sir.

Anna Bell, having been first duly sworn, on her oath states
that as stenographer to the Commission on the part of the Cherokee
she reported in full all proceedings and the above mentioned cases
on February 18, 1902, and that the above and foregoing is a full,
true and correct transcript of her stenographic notes in said cases
on said date.

Anna Bell

Subscribed and sworn to before me this 20th day of February, 1902.

Christie M. Wood

Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE INDIAN TERRITORY, FEBRUARY 19, 1902.

In the matter of the application for enrollment as a citizen by blood of the Chectaw Nation of Emily Fargo, and her right to elect to be so enrolled under the provisions of the twenty first section of the act of Congress of June 28, 1898.

Examination by the Commission.

- Q What is your name? A Emily Fargo.
Q How old are you? A Twenty three.
Q What is your post office address? A Muldrew.
Q Muldrew is in what nation? A Cherokee Nation.
Q Have you always lived in the Cherokee Nation? A Yes sir.
Q Never have lived in the Chectaw Nation? A No sir.
Q What is your father's name? A Charles Fargo.
Q Is he living? A Yes sir.
Q Of what tribe of Indians in Indian Territory is he a member?
A Cherokee.
Q What is your mother's name? A Narcissa.
Q Is she living? A No sir.
Q Of what tribe of Indians in Indian Territory is she a member?
A Chectaw.
Q What year was you born? A In 1879.
Q That was prior to the preparation of the 1880 roll? A Yes sir.
Q Is your name on the 1880 roll? A Yes sir.
Q You have always since that time been recognized as a citizen of the Cherokee Nation? A Yes sir.
Q Have your citizenship rights as a Cherokee ever been disputed?
A No sir.

The name of Emily Fargo is found on the 1880 authenticated roll of the citizens of the Cherokee Nation, Sequoyah District, 504, and also on the 1896 census roll of the Cherokee Nation, page 1069, Number 570, Sequoyah District.

- Q Did you draw the Cherokee Strip payment in '94? A Yes sir.
Q Have you ever been recognized and enrolled by the tribal authorities of the Chectaw Nation as a citizen of that nation? A No sir.
Q Never have drawn any money as a citizen of the Chectaw Nation?
A No sir.
Q Was you admitted to citizenship in the Chectaw Nation? A Yes.
Q Admitted by the Commission to the Five Civilized Tribes? A Yes sir.

Emily Fargo, being the identical person as Emily Fargo in this application, was admitted to citizenship in the Chectaw Nation by the Commission to the Five Civilized Tribes under the provisions of the act of Congress of June 10, 1896, in Chectaw citizenship case Number 489.

There was no appeal taken from the decision of the Commission in this case within the time prescribed by the provisions of the act above referred to.

- Q Have you any children? A No sir.
 Q Never have been married? A No sir.
 Q Just applying for yourself? A Yes sir.
 Q It appears from the records of the Cherokee Nation in the possession of the Commission and also from the records of the Commission that you have always been recognized as a citizen of the Cherokee Nation by the Cherokee tribal authorities and that you have also been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes. Section twenty one of the act of Congress of June 28, 1898, provides:

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

Now under this legislation do you elect to be finally enrolled by the Commission to the Five Civilized Tribes and the Secretary of the Interior as a citizen of the Cherokee or of the Choctaw tribe of Indians in Indian Territory? A Choctaw.

- Q In the event that you are enrolled by the Commission to the Five Civilized Tribes as a citizen of the Choctaw Nation and such enrollment is approved by the Secretary of the Interior, do you re-

linquish all your right, title and interest in and to the tribal property of the Cherokee Nation? A Yes sir.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on February 19, 1902, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell

Subscribed and sworn to before me this 20th day of February, 1902.

Charles M. Smith
 Notary Public.

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DEPARTMENT OF THE INTERIOR.

In the matter of the application for the enrollment of

Annie G. Agent, et al., Choctaw D-489;
Ida Goodman, et al., Choctaw D-672;
Emily Fargo, Choctaw D-701.

DECISION.

The record in this case shows that on September 14, 1899, application was made to the Commission at South Canadian, Indian Territory, for the enrollment of Annie G. Agent and her two minor children, Ruby G. and Charlie C. Agent, as citizens by blood of the Choctaw Nation; that on June 25, 1900, application was made to the Commission for the enrollment of Ida Goodman and her two minor children, Clyde F. and Willis O. Goodman, and that on February 19, 1902, application was made to the Commission, at Muskogee, Indian Territory, for the enrollment of Emily Fargo as a citizen by blood of the Choctaw Nation. Further proceedings in the matter of the two first-named applications were had at Muskogee, Indian Territory, on February 19, 1902. Since the filing of the original application there have been offered in evidence affidavits showing the birth of Ruth Goodman, to Ida Goodman, on February 7, 1900. Said affidavits are attached hereto and made a part of the record in this case.

It further appears from the evidence submitted in support of this application and the records in the possession of the Commission that all the applicants herein are the descendants of Charles A. Fargo, a Cherokee Indian, and Narcissa Fargo, a Choctaw Indian; that they are residents of the Cherokee Nation, Indian Territory, and have been recognized and enrolled by the tribal authorities of the Cherokee Nation as citizens of said tribe in Indian Territory. All the applicants herein are identified either upon the 1880 or the 1896 Cherokee rolls, with the exception of the minor applicant, Ruth Goodman, who was born subsequent to the preparation of said rolls.

It further appears from the evidence submitted and the record of persons applying to the Commission for admission to Choctaw citizenship in 1896 that the names of all the applicants herein, with the exception of the said Ruth Goodman, appear as parties applicant in the original application entitled "Ann Agent, et al., vs. Choctaw Nation," Choctaw citizenship docket, case No. 489, for admission to citizenship in the Choctaw Nation, filed with the Commission to the Five Civilized Tribes on September 7, 1896; that on December 2, 1896, all of said parties were admitted to citizenship in the Choctaw Nation by the Commission, acting under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321), and that no appeal was taken from said decision of the Commission.

It further appears that all the applicants herein, with the exception of the said Ruth Goodman, born subsequent to said date, were residents in good faith of Indian Territory on June 28, 1898.

**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

In the matter of the application for the enrollment of Annie G. Agent, et al., as citizens by blood of the
Chester Nation,
consolidating the applications
of
Annie G. Agent, et al., Chester D-488;
Ida Goodman, et al., Chester D-472;
Molly Farge, Chester D-401.

List of papers
forwarded to the Secretary of the Interior, with the record in the
above case, together with the page occupied by
each in said record.

	Page
Testimony taken at South Canadian, Indian Territory, on September 14, 1898, in the matter of the application for the enrollment of Annie G. Agent, et al., as citizens by blood of the Chester Nation,	1
Testimony taken on June 25, 1900, in the matter of the application of Annie G. Agent, et al., for enrollment as citizens by blood of the Chester Nation,	2
Testimony taken at Muskogee, Indian Territory, on February 19, 1902, in the matter of the application for the enrollment of Annie G. Agent, et al., as citizens by blood of the Chester Nation,	5
Birth affidavit for Ruth Goodman,	7
Copy of notice sent to Mrs. Ida Goodman, relative to her right to election,	8
Testimony taken at Muskogee, Indian Territory, on February 19, 1902, in the matter of the application of Ida Goodman, et al., for enrollment as citizens by blood of the Chester Nation,	10
Testimony taken at Muskogee, Indian Territory, on February 19, 1902, in the matter of the application of Molly Farge for enrollment as a citizen by blood of the Chester Nation,	12
Decision of the Commission granting the application for the enrollment of Annie G. Agent, et al., as citizens by blood of the Chester Nation,	13

Copy

COMMISSION TO THE FIVE CIVILIZED TRIBES.

South Canadian, Indian Territory.

In the enrollment of Annie G. Agent and two children as Cheetaws; Henry C. Agent being sworn and examined by Com'r McKennon testifies as follows;

Q What is your name? A Henry C Agent. .

Q How old are you? A Thirty-five.

Q Are you the husband of Annie G. Agent? A I am.

Q And the father of Ruby G., and Charles C. Agent? A Yes sir.

Q Where are these people living? A In Sallisaw.

Q That is in the Cherokee Nation? A Yes sir.

Q How long have they been living there? A Three years.

Q Where did they come from? A Muldrow, in the Cherokee Nation; they was raised in that district.

Q Where did they come from Muldrow? A She was born there on the Cherokee side.

Q Your wife was born and raised in the Cherokee Nation? A Yes sir.

Q And the children were born and raised there also? A Yes sir.

Q Are they enrolled as Cherokees? A yes sir.

Q Your wife and children are on the Cherokee rolls? A Yes sir.

My wife is on the roll of 1880, and the children are on the last roll there.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes.

I hereby certify upon my official oath as stenographer to above named Commission that this transcript is a true, full and correct translation of my stenographic notes.

M. D. Green.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
JUNE 25, 1900.

In the matter of the application of Annie Agent, Ruby G. Agent, Charley C. Agent, Ida Goodman, Clyde F. Goodman and Willis O Goodman for enrollment as citizens of the Choctaw Nation by blood.

Joseph W. Goodman, being first sworn, deposes and says:

Q What is your name? A Joseph W. Goodman.

Q How old are you? A Thirty.

Q What is your present office address? A Muldrow.

Q Do you live in Muldrow? A Yes sir.

Q How long have you lived there? A Ever since it was built. About ten or eleven years; it was about twelve years ago I guess as near as I can tell.

Q Muldrow is in the Cherokee Nation, is it? A Yes sir.

Q When did you first come to the Cherokee Nation? A In December 1886.

Q Are you the husband of Ida Goodman? A Yes sir? A Yes sir.

Q Who is Ann Agent? A Annie Agent is a sister to Ida Goodman. She was a former Fargo; she married a white man.

Q Your purpose in appearing before the Commission at this time is for the enrollment of your wife, Ida Goodman? A Yes sir.

Q How did she become a citizen of the Choctaw Nation? A Her mother was a Choctaw.

Q Is her mother on any of the tribal rolls of the Choctaw Nation?

A I could not say, not knowing. I have always had that understanding but I never did see her name on the rolls, but there is no doubt of her Choctaw blood. It is my understanding; she drew Choctaw money.

Q When? A One time they paid out bread money; they called it bread money.

Q What year was that? I could not say; it was a good many years ago before I was married; she died, my wife's mother died before I married her.

Q Was your wife's name on any of the tribal rolls of the Choctaw Nation? A No sir.

Q Do you know whether the names of Annie Agent, Ruby G. Agent, Charles C. Agent, Ida Goodman, Clyde F. Goodman, Willis F. Goodman, Robert L. Fargo, Emma Fargo, Benjamin Fargo, Isaac and Edwin Fargo, do you know whether the names of any of these people are on any of the tribal rolls of the Choctaw Nation? A No; if they are I don't know nothing about it.

Q Did they ever apply to the authorities of the Choctaw Nation for citizenship? A Yes sir.

Q When? A I could not say when; it was sometime in 1890, before that \$103.00 payment in the Choctaw Nation.

Q And prior to '93? A Yes sir.

Q They made application before that leased district money was paid? A before they were taking the census for the leased district payment.

Q What action did the tribal authorities take in this matter?

A They didn't take much.

Q What did they do? A They refused them.

Q Let me ask you, there was a straight out and out judgement?

A The father, Charles Fargo sr., he went and applied for the enrollment.

Q Well, when he applied he represented these other children?
A He represented the whole family. Yes sir.
Q Well, there was a bona fide application made? A Yes sir.
Q And the Choctaw tribal authorities refused to enroll them? A YES sir.
Q The Choctaw authorities enrolled only one, Willison Isaac Jacobs.
Q Was that application made to the enumerators of the Choctaw Nation or to the Council? A He went before the Council at Tuskaahoma.
Q Was this application presented to the Council? A I didn't know whether it was presented to the Council; it was presented to the census takers but I couldn't say whether it was put before the Council or not. We all chipped in and paid his expenses to go before the Council, but whether he put the application before them or not I could not say.
Q Was there an application made on behalf of these parties for citizenship in the Choctaw Nation under the act of June 10th, 1896?
A Yes sir.
Q Do you know what action this Commission took? A They decided they was Choctaws.

1896 Docket C page 281, Choctaw case 489. Ann Agent, et al vs Choctaw Nation. Original application filed September 7th, 1896; answer of the Choctaw Nation filed and on December 2nd, 1896, the Commission admitted as citizens by blood of the Choctaw Nation Annie Agent, Ruby G. Agent, Charlie C. Agent, Ida Goodman, Clyde F. Goodman, Willis O. Goodman, Robert L. Fargo, Benjamin Fargo, Emma Fargo, Isaac Fargo and Edwin Fargo. There is no record of any appeal ever having been taken by the Choctaw Nation from the decision of this Commission.

Q Have any of these parties ever applied to this Commission prior to this time for enrollment as Choctaws? A Robert Fargo has applied for enrollment at Spiro.
Q You state that Robert L. Fargo made application for enrollment?
A Yes sir.
Q When was that? A I didn't remember what date, but I think the Commission was at Spiro, I could not be positive.
Q Where was Robert L. Fargo living at that time? A He was in the Choctaw Nation at his brother's near Sans Bois.
Q Was that his home? A I reckon it was, it was home most anywhere; he had some things there.
Q Does he own any improvements in the Choctaw Nation? A Yes, he has a small place close to Sans Bois there.
Q How much of a place? A I could not tell; it is a very small place.
Q Has he any improvements in the Cherokee Nation? A He quit claiming any; yes, he owns a place, a home there, but he has not any now.
Q Your people have always been recognized as Cherokees, have they?
A Yes sir; my intermarried license is filed with the Commission.
Q The Cherokee authorities never recognized Harrietta Fargo as a Cherokee? A No sir.
Q She was always said to be a Choctaw? A Always said to be a Choctaw.
Q Her husband, Charles Fargo, Sr. is still recognized as a Cherokee citizen? A Yes sir.
Q Was Charles Fargo--Witness; Charles Fargo, Jr. does not appear on there because he didn't put his name on there.
Q Was Charles Fargo Sr. living when this application was made?

A He is living to-day as far as that is concerned.

Q Is Charles Fargo Jr. a brother of your wife, Ida Goodman? A Yes sir.

Q The same father and same mother? A Yes sir. He is own brother to Ida Goodman.

Q When this application was made in 1896 why didn't Charles Fargo Jr make application to this Commission? A He just laughed and said if they were admitted he would be. He applied to the Commission for enrollment at the same time that Robert Fargo did.

Q You mean that he applied to the Commission at Spiro and the Commission refused to enroll him because he had not been admitted by the Commission? A Yes sir.

Q Who is Isaac Fargo? A He is a brother of Ida Goodman; I aint sure, but I believe he applied here for enrollment.

Q Now, Isaac Fargo is a full brother of Robert L. Fargo and of the others? A Yes sir; I think he applied to the Commission at South Canadian for enrollment.

Q With the exception of Robert L. and Isaac Fargo, the others people who have been admitted to citizenship by the judgement of this Commission elected to remain as Cherokees as they appear on the Cherokee roll, is that right? A No, Agent has applied here for enrollment has he not at the same time that Isaac Fargo applied. He applied for the enrollment of his family, not himself, understand.

Q Has your wife been enrolled as a Choctaw? That is, did she appear before the Commission last summer? A No sir.

Q Does she expect to appear before the Commission and make application for enrollment in the Choctaw Nation? A I was under the impression that I could enroll, and that is my business, for the enrollment of Ida Goodman as Choctaw.

Q Your name was not in the application to the Dawes Commission as an intermarried citizen? A No it was not. I was not married according to Choctaw law.

Q What is your wife's father's name, Mr. Goodman? A Charles Fargo (Appears on 1880 Cherokee roll, page 696, No. 497 Sequoyah District.)

Q What is your wife's mother's name? A Narcissa Fargo. (Appears on 1880 Cherokee roll, 696 Number 498, as an adopted Choctaw.)

Q Your wife's name in 1880 was Annie Fargo? A Ida Fargo. (Appears on 1880 Cherokee roll 696 Number 500, Sequoyah District)

Q Who is Annie Fargo? A She is Annie Agent now.

Q That is your wife's sister? A Yes, my wife's sister. (Annie Agent on 1880 Cherokee roll as Annie Fargo, page 696, Number 499).

Robert Fargo, Page 696, Number 501, Sequoyah District.

Charles Fargo, Jr. page 696, Number 502, Sequoyah District

Ben Fargo, page 696, Number 503, Sequoyah District.

Emily Fargo, page 696, Number 504, Sequoyah District.

Ida Goodman, page 932, Number 505, Sequoyah District, 1894 roll.

Clyde Goodman, page 932, Number 507, Sequoyah District

1894 roll, Annie G. Agent, page 932, Number 40 Sequoyah

District, 1894 roll. Hubis J. Agent, page 932, Number 41

Sequoyah District, 1894 roll. Charles C. Agent, page 932,

Number 42, Sequoyah District, 1894 roll. Robert L. Fargo

page 936 Number 541, Sequoyah District, 1894 roll. Benjamin

F. Fargo, page 936, Number 533, Sequoyah District 1894

roll. Emma Fargo, page 936, number 534, Sequoyah District,

1894 roll. Isaac A. Fargo, page 936, number 535, Sequoyah

District, 1894 roll. Edward Fargo, page 936, Number 536,

Sequoyah District, 1894 roll. Annie Agent, page 1049,

number 28 Sequoyah District, 1894 roll. Charlie C. Agent

page 1049, number 30, Sequoyah District, 1896 roll.
Ruble G. Agent, 1049, number 29, Sequoyah District, 1896 roll.
Ida Goodman, page 1071, number 623, Sequoyah District, 1896 roll.
Joseph W. Goodman, page 1114, number 68, Sequoyah District
1896 roll.
Clyde Goodman, page 1071, number 642, Sequoyah District, 1896
roll. Willis Goodman, page 1071, number 625, Sequoyah Dis-
trict, 1896 roll. Benjamin Fargo, page 1069, number 569
Sequoyah District, 1896 roll. Robert L. Fargo, 1068,
number 555 Sequoyah District, 1896 roll. Emily Fargo, page
1069, number 570, Sequoyah District, 1896 roll. Isaac Fargo
page 1069, number 571, Sequoyah District, 1896 roll. Edmon
Fargo, page 1069, number 572, Sequoyah District, 1896 roll.

Anna Bell, being duly sworn, testifies that as stenogra-
pher to the Commission to the Five Civilized Tribes, she reported in
full the testimony in the above case, and that the foregoing is a
full and correct transcript of her stenographic notes in said cause.

Anna Bell.

Subscribed and sworn to before me this 18 day of July 1900.

Tams Bixby
Acting Chairman.

Albert G. McMillan, stenographer to the Commission to the Five Civ-
ilized Tribes, on oath states that the above is a true copy of the
testimony taken in the matter of the application of Annie Agent, et
al., for enrollment as citizens by blood of the Choctaw Nation.

Albert G. McMillan

Subscribed and sworn to before me this 4th day of November, 1901.

(SEAL)

J. S. Dodson.
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, FEBRUARY 19, 1902.

In the matter of the application for enrollment as citizens of the Choctaw Nation of Annie G. Agent and her minor children, Ruby and Charles G. Agent, and the right of the applicant to elect for herself and her children to be finally so enrolled by the Commission to the Five Civilized Tribes and the Secretary of the Interior, under the provisions of the twenty first section of the act of Congress of June 28, 1898.

The applicant, Annie G. Agent, is an enrolled and recognized citizen by blood of the Cherokee Nation and her name is found upon the 1880 authenticated roll of citizens of the Cherokee Nation, Sequoyah District, Number 499. Her two children, Rubie G. Agent and Charles G. Agent are also recognized citizens of the Cherokee Tribe of Indians and their names are found upon the 1896 census roll of the citizens of the Cherokee Nation, Sequoyah District, Numbers 29 and 30 respectively. Annie G. Agent and her two children have been listed for enrollment by the Commission as citizens of the Cherokee Nation, as has also her husband, Henry G. Agent as a citizen by intermarriage of the Cherokee Nation. The applicant, Annie G. Agent, and her two children, Ruby G. and Charlie G. Agent, were admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes under the provisions of the act of Congress of June 10, 1896, in Choctaw citizenship case 489, from which decision no appeal was taken to the United States Court in Indian Territory within the time prescribed by the provisions of that act.

Annie G. Agent, being first duly sworn, upon her oath testifies as follows:

Examination by the Commission.

- Q What is your name? A My name?
Q Yes? A Annie G. Agent.
Q How old are you? A I am thirty three.
Q What is your post office address? A Sallisaw, I.T.
Q Are you married? A Yes sir.
Q What is the name of your husband? A Henry G. Agent.
Q Have you any children? A Yes sir, two.
Q What are their names and ages? A Ruby G. Agent and Charlie G.
Q How old is Ruby? A Ten years old.
Q How old is Charlie? A Eight.
Q You and your children have always been recognized and enrolled by the Cherokee tribal authorities as citizens of the Cherokee Nation?
A Yes sir.
Q You participated in the payment of moneys made to the citizens by blood of the Cherokee Nation? A Yes sir.
Q What is your father's name? A Charles A. Farge.
Q He was a citizen by blood of what tribe of Indians? A Cherokee.
Q What is your mother's name? A Narcissa.
Q She was a citizen by blood of what tribe? A Choctaw.
Q Of the Choctaw? A Yes sir.

- Q Have you or your children ever been recognized by the tribal authorities of the Choctaw Nation as citizens of that tribe? That is, have you ever drawn any money? A No sir, we have never drawn any money; my mother drew money but we never did; never lived there.
- Q You were admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes under the act of Congress of June 10, '96, were you not? A Yes sir.
- Q Your two children were admitted with you? A Yes sir.
- Q And there was no appeal taken from that decision of the Commission? A No sir.
- Q It appears from the records that you and your two children, Ruby G. and Charlie G. Agent are recognized citizens of both the Cherokee and the Choctaw Tribes of Indians in Indian Territory. The twenty first section of the act of Congress of June 12th, 1898, provides: "The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he had resided, and there be given such allotment and distributions, and not elsewhere."
- Now under this existing legislation do you elect for yourself and your two minor children to be finally enrolled by this Commission and the Secretary of the Interior as citizens of the Choctaw or Cherokee Nation? A Choctaw I guess.
- Q Well, don't guess. We want to settle this now? A I have always lived up there.
- Q You want to be finally enrolled in which nation? A Choctaw.
- Q In the event that the Commission to the Five Civilized Tribes enrolls you and your two children as citizens of the Choctaw Nation and such enrollment is approved by the Secretary of the Interior, do you relinquish upon your part and on behalf of your two children all your right, title and interest in and to the lands and property in the Cherokee Nation? (No answer)
- Q Do you understand that question? A Not exactly.
- Q Now if you are enrolled by the Commission as a citizen of the Choctaw Nation and that enrollment is approved by the Secretary of the Interior do you relinquish all your right, title and interest in and to the lands and property of the Cherokee Tribe of Indians? A Why, of course, I take my selection.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on February 19, 1902, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell

Subscribed and sworn to before me this 20th day of February, 1902.

[Signature]
Notary Public.

-2-

It also appears from the evidence submitted that Annie G. Agent, for herself and her two minor children, Ruby G. and Charlie G. Agent; Ida Goodman, for herself and her three minor children, Clyde F., Willis O. and Ruth Goodman, and Emily Farge, for herself, have elected to be enrolled and take allotment of land and distribution of moneys in the Cheateau Nation.

It is, therefore, the opinion of this Commission that Annie G. Agent, Ruby G. Agent, Charlie G. Agent, Ida Goodman, Clyde F. Goodman, Willis O. Goodman, Ruth Goodman and Emily Farge, in accordance with their said election, are entitled to be enrolled as citizens by blood of the Cheateau Nation, and that the application for their enrollment as such should be granted, under the provisions of Section 21 of the Act of Congress approved June 28, 1898, (30 Stat., 498), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee,
Indian Territory, this

DEC -1 1902

COPY.

Choctaw, D, 420.

Muskogee, Indian Territory, December 1, 1902.

Annie G. Agent,

Salisaw, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission, rendered December 1, 1902, granting the application of yourself and your two minor children, Ruby G. and Charlie G. Agent, for enrollment as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision, and have been allowed fifteen days from this date, within which to file protest against the enrollment of yourself and your two minor children, Ruby G. and Charlie G. Agent, as citizens by blood of the Choctaw Nation, and if, at the expiration of that time, no protest has been filed the said Annie G. Agent, Ruby G. Agent and Charlie G. Agent, will be regularly listed for enrollment as citizens of the Choctaw Nation.

Respectfully,

SIGNED:

Tame Dixby.

Acting Chairman.

Registered.
Enc. E.C. 4.

Choctaw: D. 701.

Muskogee, Indian Territory, December 1, 1902.

Emily Fargo,

Maldrow, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission, rendered December 1, 1902, granting the application of Emily Fargo, for enrollment as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision, and have been allowed fifteen days from this date, within which to file protest against the enrollment of Emily Fargo, as a citizen of the Choctaw Nation, and if, at the expiration of that time no protest has been filed the said Emily Fargo will be regularly listed for enrollment as a citizen of the Choctaw Nation.

Respectfully,

Tatne Luby.

Acting Chairman.

Registered
Emo. H. G. E.

COPY

Choctaw: B-489,
D-879,
D-701.

Atushogee, Indian Territory, December 1, 1903.

Samuel H. Murray & Corrish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered December 1, 1903, granting the applications of Annie C. Agent, Ruby C. Agent, Charlie C. Agent, Ida Goodman, Clyde F. Goodman, Willie C. Goodman, Ruth Goodman and Emily Fergus, for enrollment as citizens by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make, against the enrollment of the said Annie C. Agent, Ruby C. Agent, Charlie C. Agent, Ida Goodman, Clyde F. Goodman, Willie C. Goodman, Ruth Goodman and Emily Fergus, as citizens of the Choctaw Nation, and make satisfactory proof of service of said protest upon the applicants herein. If you fail to file a protest within the time allowed, these applicants will be regularly listed for enrollment.

Respectfully,

SIGNED

Tame Dixby.

Deputy Attorney.

Register
Vol. 1, No. 1

Choctaw, D. 872.

Muskogee, Indian Territory, December 1, 1902.

Ida Goodman,

Muldrow, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission, rendered December 1, 1902, granting the application of yourself and your three minor children, Clyde F., Willis O. and Ruth Goodman, for enrollment as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision, and have been allowed fifteen days from this date, within which to file protest against the enrollment of yourself and your three minor children, Clyde F., Willis O. and Ruth Goodman as citizens by blood of the Choctaw Nation, and if, at the expiration of that time no protest has been filed, the said Ida Goodman, Clyde F. Goodman, Willis O. Goodman and Ruth Goodman, will be regularly listed for enrollment as citizens of the Choctaw Nation.

Respectfully,

SIGNED,

James B. Dwyer

Acting Chairman.

Registered.
Enc. R. 2. 3.

CARD NO. _____
FIELD NO. *D* 672

DAWES' ROLL NO.	NAME.	Relation-ship to Person first Named.	AGE.	SEX.	BLOOD.	TRIBAL ENROLLMENT.		TRIBAL ENROLLMENT OF PARENTS.					
						Year.	No.	Name of Father.	Year.	Name of Mother.	Year.		
1	Goodman, Ida.		31	F.	3/16			Chas. A. Fargo	1896	Cherokee.	Narcissa Fargo	dead	Choctaw.
2	"		10	M.	3/32			Joe W. Goodman					
3	"		6	M.	3/32								
4	"												
5	" (Ruth)	N. av.	10	F.	3/32			Joe W. Goodman	1896	Cherokee.	Narcissa Fargo	dead	Choctaw.
6													
7													
8													
9													
10													
11													
12													
This card has been replaced in the Card File by a card bearing a similar Field Number and corrected in conformity to the information hereon.													
July 19, 1901. Election to be finally enrolled as Choctaws. No. 5 born July 7, 1900. Placed on this card Nov. 4, 1901.													
No. 2 on 1894 Cherokee Roll 958 No. 587 Sequoyah district.													
No. 2 " 1896 " 1071 No. 624 " " " " " " " "													
No. 3 " 1896 " 1071 No. 625 " " " " " " " "													
as Willis Goodman.													
Nov. 4, 1901													

Chas. 5614

IN RE

Application for Enrollment of
INFANT CHILD

Ruth Goodman

as a citizen of the

Choctaw *Nation.*

Approved Nov. 4 1901

Tams Bixby
Commissioner.

Filed Nov. 4, 1901

Tams Bixby
Acting Chairman

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
 of Ruth Goodman, born on the 7th day of Feb, 1900
(Here insert name of child.)
 Name of Father: Joe W. Goodman, a citizen of the United States Nation.
 Name of Mother: Ida I. Goodman, a citizen of the Choctaw Nation.
 Post-Office: Muldrow, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY,
Northern District. }

I, Ida I. Goodman, on oath state that I am 31
 years of age and a citizen, by blood, of the Choctaw Nation;
 that I am the lawful wife of Joe W. Goodman, who is a citizen, by
marriage, of the Choctaw Nation, that a female child was
(Male or female.)
 born to me on the 7th day of Feb., 1900; that said child has been
 named Ruth Goodman, and is now living.

WITNESSES TO MARK:

Ida I. Goodman

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 9th day of August, 1901.

Jas. W. Breedlove

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY,
Northern District. }

I, Mary Toles, a midwife, on oath state that I
 attended on Mrs. Ida I. Goodman, wife of Joe W. Goodman,
 on the 7th day of Feb, 1900; that there was born to her on said
 date a female child; that said child is now living and is said to have been
 named Ruth Goodman.

WITNESSES TO MARK:

her
Mary x Toles
 mark

(Must be Two
Witnesses.)

Eller Young

Jas. W. Breedlove

Subscribed and sworn to before me this 9th day of Aug., 1901.

Jas. W. Breedlove

Notary Public.

Muskogee, Indian Territory, November 5, 1901.

Joe W. Goodman,

Muldrow, Indian Territory.

Dear Sir:

Referring to your letter of August 15, 1901, enclosing the application for enrollment as a citizen by blood of the Choctaw Nation of Ruth Goodman, the infant daughter of Joe W. and Ida I. Goodman, born February 7, 1900, you are informed that the same has this day been filed with the records of the Commission.

In your letter you state that you have three children by your wife Ida I. Goodman, viz:

Clyde Goodman,
Willie O. Goodman,
Ruth Goodman.

It does not appear from our records that any application has ever been made to this Commission for the enrollment of Clyde and Willie O. Goodman as citizens of the Choctaw Nation.

At Muskogee, Indian Territory, on June 28, 1900, you appeared before this Commission for the purpose of making an application for the enrollment of your wife as a citizen of the Choctaw Nation.

3702

It would be advisable in the matter of the application for the enrollment of your wife and children as citizens by blood of the Choctaw Nation, that Ida I. Goodman present herself in person before the Commission at its office in Muskogee, Indian Territory, as early as practicable and that a complete record be made of such application and also as to her election to be enrolled as a citizen of the Choctaw or Cherokee Nation.

Yours truly,

Acting Chairman.

7-D-672

(Copy)

Muskogee, Indian Territory, January 13, 1902.

Mrs. Ida Goodman,

Muldrow, Indian Territory.

Dear Madam:

Upon an examination of the records of the Commission it appears that you and your children, Clyde and Willis Goodman, were admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321), and that you and your children have been listed for enrollment by the Commission as citizens of said Nation.

It further appears that you and your children are also Cherokee Indians; that your name appears upon the Cherokee roll of 1880, and the census roll of 1896; also that the names of your children appear upon the latter roll.

The Act of Congress approved June 26, 1898, provides:

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and the allotment of lands and distribution of moneys belonging to such tribes; but if no such agreement be made, then such persons shall be entitled to such rights in one tribe only, and the tribe in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

In view of the provision of law herein quoted you will be

Mrs. I. G. 2.

general offices in Muskogee, Indian Territory, and elect in which of said Nations, the Cherokee or Choctaw, you and your children desire to be finally enrolled.

Upon your failure to comply with the request made, the Commission will proceed to enroll you in the tribe with whom you reside.

Yours truly,

ENCLOSURE

I. B. Needles.

Commissioner in Charge.

Register.

7-5613
7-5614
7-5615

Muskogee, Indian Territory, December 20, 1902.

Cherokee Enrollment Division,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory,
Gentlemen:

In the matter of the applications for enrollment as citizens of the Choctaw Nation of Annie G. Agent, et al., Ida Goodman, et al., and Emily Fargo, you are advised that the fifteen days heretofore granted the attorneys for the Choctaw and Chickasaw Nations, within which to file protest against the enrollment of the above named parties, having expired on December 17, 1902, the above named parties have been enrolled by this Commission as citizens by blood of the Choctaw Nation.

Respectfully,

Acting Chairman.

1

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRICKNORRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

1209

REFER IN REPLY TO THE FOLLOWING

Cherokee D. 2167

Muskogee, Indian Territory, January 16, 1904.

Commission to the Five Civilized Tribes,
Choctaw-Chickasaw Enrollment Division,
Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Ida Goodman, Cherokee D 2167, the Commission's records disclose the fact that this applicant has also been applied for as a citizen of the Choctaw Nation.

It is requested that the Cherokee Division be advised as to the present status of this applicant's claim to enrollment in the Choctaw Nation, and that if she has been placed upon the final roll of Choctaw citizens her number be given, together with the date of the Department's approval of said roll.

Respectfully,



Chairman.

Choc 5615

Emily Fargo

5615

Department of the Interior,
Commission to the Five Civilized Tribes,
Muldrow, I.T., August 16, 1900.

In the matter of the application of Emily Fargo for enrollment as a citizen of the Cherokee Nation, said Emily Fargo being sworn by Commissioner Needles, testified as follows:

Q What is your name? A Emily Fargo.
Q Your age? A 31.
Q Your postoffice? A Muldrow.
Q Are you a recognized citizen of the Cherokee Nation? A Yes.
Q By blood? A Yes.
Q What district do you live in? A Sequoyah.
Q How long have you lived there? A Since '79.
Q What is your father's name? A Charley.
Q Is he living? A Yes.
Q What is your mother's name? A Marcia.
Q Is she living? A No, sir.
Q Are you married? A No, sir.
Q Just want to enroll yourself? A Yes.
On '80 roll, page 696, number 504, as Emily Fargo.
On '96 roll, page 1069, number 570, as Emily Fargo.

The name of Emily Fargo appearing upon the authenticated roll of '80 as well as the census roll of '96, she being fully identified upon the rolls according to page and number as indicated in the testimony, she is duly listed for enrollment as a Cherokee citizen by blood.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony in the above named case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Brown McDonald.

Subscribed and sworn to before me this 5th day of September, 1900.

(Signed) T. B. Needles,

Commissioner.

Arthur S. Croninger, being duly sworn, states as stenographer to the Commission to the Five Civilized Tribes, that he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Arthur S. Croninger

Subscribed and sworn to before me this 8th day of November, 1901.

[Signature]

Commissioner.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE INDIAN TERRITORY, FEBRUARY 19, 1902.

In the matter of the application for enrollment as a citizen by blood of the Choctaw Nation of Emily Fargo, and her right to elect to be so enrolled under the provisions of the twenty first section of the act of Congress of June 28, 1898.

Examination by the Commission.

- Q What is your name? A Emily Fargo.
Q How old are you? A Twenty three.
Q What is your post office address? A Muldrew.
Q Muldrew is in what nation? A Cherokee Nation.
Q Have you always lived in the Cherokee Nation? A Yes sir.
Q Never have lived in the Choctaw Nation? A No sir.
Q What is your father's name? A Charles Fargo.
Q Is he living? A Yes sir.
Q Of what tribe of Indians in Indian Territory is he a member?
A Cherokee.
Q What is your mother's name? A Narcissa.
Q Is she living? A No sir.
Q Of what tribe of Indians in Indian Territory is she a member?
A Choctaw.
Q What year was you born? A In 1879.
Q That was prior to the preparation of the 1880 roll? A Yes sir.
Q Is your name on the 1880 roll? A Yes sir.
Q You have always since that time been recognized as a citizen of the Cherokee Nation? A Yes sir.
Q Have your citizenship rights as a Cherokee ever been disputed?
A No sir.

The name of Emily Fargo is found on the 1880 authenticated roll of the citizens of the Cherokee Nation, Sequoyah District, 504, and also on the 1896 census roll of the Cherokee Nation, page 1069, Number 870, Sequoyah District.

- Q Did you draw the Cherokee Strip payment in '94? A Yes sir.
Q Have you ever been recognized and enrolled by the tribal authorities of the Choctaw Nation as a citizen of that nation? A No sir.
Q Never have drawn any money as a citizen of the Choctaw Nation?
A No sir.
Q Was you admitted to citizenship in the Choctaw Nation? A Yes.
Q Admitted by the Commission to the Five Civilized Tribes? A Yes sir.

Anna Fargo, being the identical person as Emily Fargo in this application, was admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes under the provisions of the act of Congress of June 10, 1896, in Choctaw citizenship case Number 489.

There was no appeal taken from the decision of the Commission in this case within the time prescribed by the provisions of the act above referred to.

Q Have you any children? A No sir.
 Q Never have been married? A No sir.
 Q Just applying for yourself? A Yes sir.
 Q It appears from the records of the Cherokee Nation in the possession of the Commission and also from the records of the Commission that you have always been recognized as a citizen of the Cherokee Nation by the Cherokee tribal authorities and that you have also been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes. Section twenty one of the act of Congress of June 28, 1898, provides:

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

Now under this legislation do you elect to be finally enrolled by the Commission to the Five Civilized Tribes and the Secretary of the Interior as a citizen of the Cherokee or of the Choctaw tribe of Indians in Indian Territory? A Choctaw.

Q In the event that you are enrolled by the Commission to the Five Civilized Tribes as a citizen of the Choctaw Nation and such enrollment is approved by the Secretary of the Interior, do you relinquish all your right, title and interest in and to the tribal property of the Cherokee Nation? A Yes sir.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on February 19, 1902, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell

Subscribed and sworn to before me this 20th day of February, 1902.

Charles M. [Signature]
 Notary public.

GDR
GE

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Annie G. Agent, et al., as citizens by blood of the Choctaw Na-
tion, consolidating the applications of--

Annie G. Agent, et al.,	Choctaw D-489
Ida Goodman, et al.,	Choctaw D-672
Emily Fargo,	Choctaw D-701

DECISION.

The record in this case shows that on September 14, 1899, application was made to the Commission at South Canadian, Indian Territory, for the enrollment of Annie G. Agent and her two minor children, Ruby G. and Charlie C. Agent, as citizens by blood of the Choctaw Nation; that on June 25, 1900, application was made to the Commission for the enrollment of Ida Goodman and her two minor children, Clyde F. and Willis O. Goodman, and that on February 19, 1902, application was made to the Commission, at Muskogee, Indian Territory, for the enrollment of Emily Fargo as a citizen by blood of the Choctaw Nation. Further proceedings in the matter of the two first-named applications were had at Muskogee, Indian Territory, on February 19, 1902. Since the filing of the original application there have been offered in evidence affidavits showing the birth of Ruth Goodman, to Ida Goodman, on February 7, 1900. Said affidavits are attached here to and made a part of the record in this case.

It further appears from the evidence submitted in support of this application and the records in the possession of the Commission that all the applicants herein are the descendants of Charles A. Fargo, a Cherokee Indian, and Narcissa Fargo, a Choctaw Indian; that they are residents of the Cherokee Nation, Indian Territory, and have been recognized and enrolled by the tribal authorities of the Cherokee Nation as citizens of said tribe in Indian Territory. All the applicants herein are identified either upon the 1880 or the 1896 Cherokee rolls, with the exception of the minor applicant, Ruth Goodman, who was born subsequent to the preparation of said rolls.

It further appears from the evidence submitted and the record of persons applying to the Commission for admission to Choctaw citizenship in 1896 that the names of all the applicants herein, with the exception of the said Ruth Goodman, appear as parties applicant in the original application entitled "Ann Agent, et al., vs Choctaw Nation," Choctaw citizenship docket, case No. 489, for admission to citizenship in the Choctaw Nation, filed with the Commission to the Five Civilized Tribes on September 7, 1896; that on December 2, 1896, all of said parties were admitted to citizenship in the Choctaw Nation by the Commission, acting under the provisions of the Act of Congress approved June 10, 1896, (20 Stats., 321), and that no appeal was taken from said decision of the Commission.

It further appears that all the applicants herein, with the exception of the said Ruth Goodman, born subsequent to said date, were residents in good faith of Indian Territory on June 28, 1898,

It also appears from the evidence submitted that Annie G. Agent, for herself and her two minor children, Ruby G. and Charlie C. Agent; Ida Goodman, for herself and her three minor children, Clyde F., Willis O. and Ruth Goodman, and Emily Fargo, for herself, have elected to be enrolled and take allotment of land and distribution of moneys in the Choctaw Nation.

It is, therefore, the opinion of this Commission that Annie G., Agent, Ruby G. Agent, Charlie C. Agent, Ida Goodman, Clyde F. Goodman, Willis O. Goodman, Ruth Goodman and Emily Fargo, in accordance with their said election, are entitled to be enrolled as citizens by blood of the Choctaw Nation, and that the application for their enrollment as such should be granted, under the provisions of Section 21 of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Thos Bixby,
Acting Chairman.

T. B. Needles,
Commissioner.

C. R. Breckenridge,
Commissioner.

Dated at Muskogee,
Indian Territory, this
Dec. 1-1902.

COPY

Investment D. 122,
D. 173,
D. 701.

Lawrence, Indian Territory, December 11, 1902.

Lawrence, Oklahoma & Cornish.

Attorneys for the Choctaw and Chickasaw Nations.

Samuel McAllister, Indian Territory.

Dear Sirs:

Enclosed herewith you will find a copy of the decision of the Commission, rendered December 1, 1902, granting the applications of Annie C. Agent, Ruby C. Agent, Charlie C. Agent, Ida Goodman, Clyde F. Goodman, Willie C. Goodman, Ruth Goodman and Billy Perce, for enrollment as citizens by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make, against the enrollment of the said Annie C. Agent, Ruby C. Agent, Charlie C. Agent, Ida Goodman, Clyde F. Goodman, Willie C. Goodman, Ruth Goodman and Billy Perce, as citizens of the Choctaw Nation, and make satisfactory proof of service of said protest upon the applicants herein. If you fail to file a protest within the time allowed, these applicants will be regularly listed for enrollment.

Respectfully,
Yours,

James D. Bixby,
Acting Chairman.

Register
Lawrence, Okla.

7-D-701
7-D-672
7-D-489 ✓

Muskogee, Indian Territory, December 3, 1902.

Cherokee Enrollment Division.

Commission to the Five Civilized Tribes.

Muskogee, Indian Territory.

Gentlemen:

You are advised that on December 1, 1902, the Commission rendered its decision granting the applications for enrollment as citizens of the Choctaw Nation of Annie G. Agent and her two minor children, Ruby G. and Charles G. Agent, on Cherokee roll card D-133; Ida Goodman and her three minor children, Clyde, Willis O. and Ruth Goodman; and Emily Fargo, Cherokee roll card 1516.

These persons have also been enrolled by the Cherokee tribal authorities as citizens of the Cherokee Nation; but on February 19, 1902, they appeared before the Commission at Muskogee, Indian Territory, and elected to be finally enrolled as citizens of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been allowed fifteen days within which to file protests against the enrollment of the above named parties. If at the expiration

U S Div 2

of the fifteen days no protests have been filed, the said parties
will be enrolled as citizens of the United States.

Respectfully,

Acting Chairman.

7-5613
7-5614
7-5615

Muskogee, Indian Territory, December 20, 1902.

Cherokee Enrollment Division,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory,
Gentlemen:

In the matter of the applications for enrollment as citizens of the Choctaw Nation of Annie G. Agent, et al., Ida Goodman, et al., and Emily Farge, you are advised that the fifteen days heretofore granted the attorneys for the Choctaw and Chickasaw Nations, within which to file protest against the enrollment of the above named parties, having expired on December 17, 1902, the above named parties have been enrolled by this Commission as citizens by blood of the Choctaw Nation.

Respectfully,

Acting Chairman.

(Copy)

Vinita, Indian Territory, January 6, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

It appears from the records of the Commission that on December 1, 1902, a decision was rendered granting the application of Emily Fargo, for the enrollment of herself as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations were furnished with a copy of said decision and notified that they would be allowed fifteen days from date thereof within which to file protest against the enrollment of said Emily Fargo. It appears that no protest was made against the enrollment of said person.

This applicant has also been enrolled as a citizen by blood of the Cherokee Nation, but on February 19, 1902, she appeared before the Commission at Muskogee, Indian Territory, and elected to be finally enrolled as a citizen of the Choctaw Nation.

On October 6, 1902, her name was inadvertently included in the schedule of citizens by blood of the Cherokee Nation, which was on said date forwarded to the Department for approval, her number thereon being 4082.

In view of the fact that this applicant has elected to be enrolled as a citizen by blood of the Choctaw Nation, and that no protest or objection has been made against her enrollment as such by the representatives of the Choctaw and Chickasaw Nations, the Commission respectfully recommends that it be directed to strike her name from the schedule of Cherokee citizens by blood.

Respectfully,

(Signed) Tams Bixby,
Acting Chairman.

(Signed) T.B. Needles,
Commissioner.

(Signed) G.R. Breckinridge,
Commissioner.

Through the Commissioner
of Indian Affairs.

R.P.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON E. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee 1516

Muskogee, Indian Territory, February 5, 1903.

Choctaw-Chickasaw Enrollment Division,
General Office.

Gentlemen:

There is herewith enclosed copy of Departmental letter, dated January 26, granting the Commission's request of January 6, to strike from the final roll of citizens of the Cherokee Nation, the name of Emily Fargo, appearing on said roll opposite number 4082, and approving the action of the Commission in enrolling this applicant as a citizen of the Choctaw Nation.

Respectfully,

C. R. Breckinridge
Commissioner in Charge.
~~Acting Chairman.~~

Enc. M-212

D.C.2825-1903

DEPARTMENT OF THE INTERIOR,

NAV

WASHINGTON.

ITD. 590-1903.

January 26, 1903.

LRS

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

The Department is in receipt of your communication of January 6, 1903, stating that on December 1, 1902, you rendered a decision granting the application of Emily Fargo for the enrollment of herself as a citizen by blood, of the Choctaw Nation, of which notice was given to the attorneys for the Choctaw and Chickasaw Nations, and that no protest has been made by the attorneys; that the applicant has also been enrolled as a citizen by blood of the Cherokee Nation, but on February 19, 1902, she elected to be finally enrolled as a citizen of the Choctaw Nation; that her name was inadvertently included in a schedule of Cherokee citizens by blood, which was approved by the Department November 14, 1902, her number on the schedule being 4082.

In view of the fact that the applicant has elected to be enrolled as a citizen by blood of the Choctaw Nation, and that no objection has been made to her enrollment as such, you recommend that you be directed to strike her name from said schedule of Cherokee citizens by blood.

The Acting Commissioner of Indian Affairs forwarded your letter January 21, 1903, and recommended that authority be granted to strike the applicant's name from the schedule in your possession and from the schedule in the Indian Office.

The Department approves your action in enrolling the applicant as a Choctaw citizen, and you will therefore cause her name to be stricken from the Cherokee roll approved November 14, 1902. A copy of the Commissioner's letter is inclosed.

Respectfully,

(signed) Thos Ryan
Acting Secretary.

1 inclosure.

(Copy)

Refer in reply
to the following:
Land
2501-1903.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, Jan. 21, 1903.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Department letter of November 14, 1902,--

I.T.D. 7013-1902-- approving a partial roll of citizens of the Cherokee Nation, there is enclosed, herewith, a report from the Commission to the Five Civilized Tribes, dated January 6, 1903, in which it is stated that the records of the Commission show that on December 1, 1902, a decision was rendered granting the application of Emily Fargo for enrollment as a citizen by blood of the Choctaw Nation; that the attorneys for the Choctaw and Chickasaw Nations were furnished with a copy of said decision and notified that they would be allowed fifteen days from that date within which to file a protest against said enrollment; that no protest has been made; that on February 19, 1902, the applicant appeared before the Commission, at Muskogee, and elected to be enrolled as a citizen of the Choctaw Nation, and that her name was inadvertently included in the schedule of citizens by blood of the Cherokee Nation, approved by the Department November 14 last.

The Commission states that her name appears opposite No.

-2-

4082 and requests, in view of the fact that the applicant has elected to be enrolled as a citizen of the Choctaw Nation, authority to strike her name from the Cherokee schedule.

It is recommended that the authority be granted and that the office likewise be authorized to erase her name from the schedule on file with the office.

Very respectfully,

W. A. Jones,
Commissioner.

(G.A.W.)

P.

7-3618

Muskogee, Indian Territory, January 25, 1904.

Emily Jane Griffith,

Sallisaw, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your affidavit and that of V. W. Hudson relative to the birth of Mula H. Griffith, infant daughter of Crado G. and Emily Jane Griffith, May 22, 1903, which it is presumed have been forwarded to this office as an application for enrollment of the above named child as a citizen by blood of the Choctaw Nation.

You are informed that under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), the Commission is now without authority to receive or consider the original application for enrollment of any person whomsoever as a citizen of the Choctaw or Chickasaw Nation.

Respectfully

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Cherokee 1516

Muskogee, Indian Territory, July 14, 1908

Commissioner to the Five Civilized Tribes,
Choctaw-Chickasaw Enrollment Division,
Muskogee, Indian Territory.

Gentlemen:

You are requested to advise the Cherokee Enrollment Division whether or not the enrollment as a Choctaw citizen of Emily Farge, who is listed on Choctaw card 7-D-489, has been approved by the Secretary of the Interior, and if so, to advise her approved roll number and the date of approval.

You are further requested to advise said Division whether or not the said Emily Farge has selected her allotment of land in the Choctaw Nation, and if so whether such selection was voluntarily or arbitrarily made.

Respectfully,



Commissioner

7-5615

Muskogee, Indian Territory, July 19, 1905.

Clerk in Charge,

Cherokee Enrollment Division.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 14, requesting to be advised whether or not the enrollment of Emily Fargo as a citizen of the Choctaw Nation has been approved by the Secretary of the Interior and if so her approved roll number and the date of her approval and whether or not she has selected an allotment of land in the Choctaw Nation and if so whether the same is voluntary or arbitrary.

I have to advise that the name of Emily Fargo appears upon the final roll of citizens by blood of the Choctaw Nation as approved by the Secretary of the Interior April 11, 1903 opposite No. 14386 and that on March 14, 1904, she voluntarily selected land in the Choctaw Nation of the appraised value of \$1040.

Respectfully,

Commissioner.

Choc 5616

Thomas Stallaby

5616

D. 762

Commission to the Five Civilized Tribes,

Red Oak, Indian Territory

In the enrollment of Tom Stallaby as Choctaw by blood being sworn and examined by Gen'r McKinnon he testified as follows:

Tom Stallaby, twenty-three years old.

Q How long have you been in the Choctaw Nation? A I have been here about since the last days of March, but I had been here before.

Q When did you come here? A The time Bob Linton brought whole lot of Choctaws here.

Q How long ago was that? A I don't know. I think in 1908 or 1909, I don't know the date.

Q You came out here and then went back, how long did you stay? A I stayed four years.

Q How long did you stay in Mississippi? A I don't know how long I stayed, I think I stayed about three or four years in here.

Q But how long did you stay in Mississippi before you came back here this last time? A I started back just the last of last March, I went back in 1904 and came back last of last March.

Q What County of Mississippi did you come from? A Orange County.

Q What is your father's name? A Andrew Stallaby.

Q Full-blood Choctaw? A Yes sir.

Q What is your mother's name? A Ellen.

Q Was she a full-blood Choctaw? A Yes sir.

Q Have you come here to make this your home? A Yes sir.

Q And stay here now? A Yes sir.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. J. Green

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the
enrollment, as a citizen by blood of the Choctaw Nation, of:

THOMAS STALLABY

7-5616.

Department of the Interior.
Commission to the Five Civilized Tribes.
Wister, I. T., December 16th, 1902.

-----cOo-----

In the matter of the application of Tom Stallaby for enrollment as a citizen by blood of the Choctaw Nation.

Tom Stallaby being first duly sworn testified as follows through Alex Folsom sworn as Choctaw interpreter.

Examination by the Commission:

- Q What is your name? A Thomas Stallaby.
Q What is your age? A Twenty-seven years of age.
Q What is your post office address? A Ironbridge.
Q Indian Territory? A Yes sir.
Q What is the name of your father? A Anderson Stallaby.
Q Is he living or dead? A Living.
Q What is the name of your mother? A Eliza Stallaby.
Q Is she living? A She's dead.
Q Are you married? A No sir.
Q How long have you lived in Indian Territory? A Been living here six years; came here in 1891.
Q How long did you stay here when you first came here in 1891? A Stayed here six years.
Q At that time you stayed here six years? A Yes sir.
Q Then where did you go to? A Went back to Mississippi.
Q How long did you stay in Mississippi? A I came back in 1899.
Q Have you resided in the Territory continuously from 1899 up to the present time? A Yes sir.
Q Did you draw your pro rata share of the leased district money in 1893? A Yes sir.
Q In what county did you draw that money? A Skullyville county.
Q Was the money paid to you? A It was my uncle Simeon Isaac that drew the money for me.
Q Do you know if Simeon Isaac signed the pay roll for you? A I don't know for sure; only just what he told me.
Q Do you know why your name does not appear upon the 1896 citizenship roll of the Choctaw Nation? A I don't know, but I have an idea that it must have been about that time when I went back to Mississippi, that's the cause of my not being enrolled on the '96 roll.

The name of Thomas Starlobley is found upon the 1893 leased district pay roll, Skullyville county, page 56, No. 540.

- Q Were you with a party of Choctaws that came from Mississippi under the direction of Robert Benton? A Yes sir.

Tom Stallaby----2

Q Were you afterwards admitted to citizenship by the Choctaw Council? A I don't know; I was small when I first came here.

This applicant appears as Tom Stallaby on Choctaw roll card, field No. D-262, transferred therefrom to M C R card, No. 6100, to be considered as a Mississippi Choctaw case.

Albert G. McMillan being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 16th day of December, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 2nd day of January, 1903.

Charles McMillan

Notary Public.

West

7-5616.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory August 16, 1904.

In the matter of the application for the enrollment of
Thomas Stallaby as a citizen by blood of the Choctaw Nation.

Thomas Stallaby being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Thomas Stallaby.
Q What is your postoffice address? A Ironbridge.
Q You are a full blood Choctaw? A Yes, sir.
Q When did you first come to the Choctaw Nation? A First come here in 1891.
Q How long did you stay here then? A Four years.
Q Then what did you do? A Went and stayed with my kin folks in Mississippi, some of them were sick and died and I stayed there a good while.
Q When did you come back to the Choctaw Nation? A 1899.
Q When you came here in 1891 did you intend living in the Choctaw Nation? A Yes, sir.
Q You only went back for a visit? A Yes, sir.
Q Came here in 1891 stayed four years and then went back on a visit to Mississippi and came back in 1899 and you have been living here ever since? A Yes, sir, married here too.
Q In 1891 did you come here at that time for the purpose of staying in the Choctaw Nation? A Yes, sir, came over with Benton.
Q You went back after four years to see your folds? A Yes, sir.
Q Then you came back here? A Yes, sir.
Q You say you are married now? A Yes, sir.
Q When did you get married? A Last January ax year ago.
Q You were not married in 1902? A No, sir.
Q Is that your first wife that you have now? A Second, one is dead.
Q Where did you marry her? A Mississippi.

Witness excused.

Chas. T. Difendafer being first duly sworn states that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Subscribed and sworn to before me this 16th day of August 1904.

Charles H. Sawyer
Notary Public.

7-5616.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Thomas Stallaby as a citizen by blood of the Choctaw Nation.

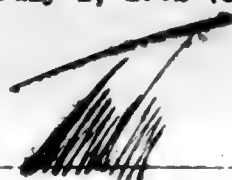
- - : D E C I S I O N : - -

It appears from the census card record that on June 21, 1899, Thomas Stallaby appeared before the Commission to the Five Civilized Tribes and made personal application for enrollment as a citizen by blood of the Choctaw Nation. Further proceedings were had in the matter of said application at Wister, Indian Territory, December 16, 1902, and at Muskogee, Indian Territory, August 16, 1904.

It appears from the record herein that the applicant is a full blood Choctaw Indian who removed from the state of Mississippi to the Choctaw Nation in 1891 or 1892; that he was a resident in good faith of said Nation on June 28, 1898, and up to and including September 25, 1902.

Upon an examination of the tribal rolls of the Choctaw Nation in the possession of this office, the applicant is identified (as Thos. Starlobley) upon the 1893 Choctaw Leased District Payment Roll, Skullyville County, Page 56, No. 540.

I am therefore of opinion that Thomas Stallaby should be enrolled as a citizen by blood of the Choctaw Nation, in accordance with the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), and July 1, 1902 (32 Stats., 641), and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

5061 12 100

7-5616

Muskogee, Indian Territory, October 27, 1905.

COPY.

Thomas Stallaby,

Ironbridge, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes rendered October 27, 1905, granting your application for enrollment as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against your enrollment. If at the expiration of that time no protest has been filed, your name will be placed upon the final roll of citizens by blood of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

James Dixby

Registered.

Commissioner.

Incl. 7-5616

7-5616

Muskogee, Indian Territory, October 27, 1905.

COPY.

C. T. Mitchell,
Attorney at Law,
McCurtain, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on October 27, 1905, rendered his decision granting the application for the enrollment of Thomas Stallaby as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against his enrollment. If at the expiration of said time no protest has been filed, his name will be placed upon the final roll of citizens by blood of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED *Tame Dixby*

Registered.

Commissioner.

7-5616

Muskogee, Indian Territory, October 27, 1905.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester Docket.

COPY.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 27, 1905, granting the application for the enrollment of Thomas Stallaby as a citizen by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the enrollment of this applicant. If at the expiration of said time no protest has been filed, his name will be placed upon the final roll of citizens by blood of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tams Bixby

Commissioner.

Registered.

Incl. 7-5616.

Muscogee, Indian Territory,

August 16th, 1900.

Tom Stallaby,

Red Oak, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-262.

Choctaw D 262

Muskogee, Indian Territory, July 24, 1902.

Tom Stallaby,

Iron Bridge, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 15th instant, in which you desire to be informed if you have been enrolled as a citizen of the Choctaw Nation.

Replying to your communication you are informed that it appears from our records that at Red Oak, Indian Territory, on June 21, 1899, you made personal application to this Commission to be enrolled as a citizen of the Choctaw Nation.

It appears, however, that you have never been enrolled or admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities but that you are a full-blood Choctaw Indian recently removed from the state of Mississippi and while you have never made personal application to this Commission to be identified as a Mississippi Choctaw under the provisions of the act of Congress of June 28, 1898, your attention is invited to the following provision of an agreement recently entered into between the United States and the Choctaw and Chickasaw Nations as ratified by an act of Congress approved July 1, 1902:

T S 2

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495) , as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be ~~entitled~~ by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior. The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full-blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

This agreement is not effective at this time, being subject to ratification by the citizens of the Choctaw and Chickasaw Nations at a special election to be called by the

Miss. Choctaw 6100

Muskogee, Indian Territory, November 15, 1902.

Thomas Stallaby,

Remitted - Iron Bridge I. T.
Iron Springs, Indian Territory,

Dec 8. 1902

Dear Sir:

Receipt is hereby acknowledged of your letter of November 7, relative to a letter written from this office to James Sockey, asking the amount of Choctaw blood possessed by him. You state that you are a citizen of the Choctaw Nation, and if your application for enrollment is not all right you wish to appear before the Commission at Wister, for the purpose of giving testimony in your case.

In reply to your letter you are advised that on July 24, 1902 a letter was addressed you from this office advising you that it did not appear from the records that you have ever been enrolled or admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities; that it did appear from your testimony that you were a full blood Choctaw Indian recently removed from Mississippi, and your attention was invited to the following provision of the act of Congress of July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations September 25, 1902:

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 23, 1896 (30 Stats., 495), as Mississippi Cho-

T 2 3

chief executives of the two tribes within one hundred and twenty days from July 1, 1902.

We cannot presume at this time to advise you as to the probable construction to be placed upon the above quoted provision of the pending Choctaw-Chickasaw agreement, but in the event of such ratification, the Commission will undoubtedly be advised by the Secretary of the Interior as to the classes of persons to be enrolled under the provisions of the agreement as to Mississippi Choctaws.

It is suggested, however, that as you have never submitted an application for identification as a Mississippi Choctaw, that you do so at as early a date as practicable.

You will be heard upon your personal appearance at the office of the Commission at Muskogee, Indian Territory. It is advisable if you contemplate making such application, that you do so as early as practicable.

Yours truly,

Commissioner in Charge.

T. G. 2

laws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribe, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior. The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission."

It is suggested that you should appear before the Commission at its office at Muskogee, Indian Territory, for the purpose of making an application for identification as a Mississippi Choctaw under the above provision of law. You are advised that if you desire to present an application of this character it will be necessary for you to appear before the Commission at Muskogee, Indian Territory, as the party of the Commission now in the field are not authorized to receive applications for identification as Mississippi Choctaws.

Respectfully,

Acting Chairman.

Choctaw-5616

Muskogee, Indian Territory, December 21, 1903.

Thomas Stallaby,
Ironbridge, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 15, 1903, in which you state that you went to Atoka to file on your land but they had not your card and number and you wish to be informed when the same will be sent to Atoka, so that you can file.

In reply to your letter you are informed that it appears from our records that you have been listed for enrollment as a citizen of the Choctaw Nation, but your name has not yet been placed upon the schedules of citizens by blood of said Nation, prepared for forwarding to the Secretary of the Interior.

You would not, therefore, be permitted to make selection of allotment at this time.

Respectfully,

Chairman.

Choctaw 5616

Muskogee, Indian Territory, March 15, 1904.

Thomas Stallaby,
Ironbridge, Indian Territory,
Dear Sir:

Receipt is hereby acknowledged of your letter of March 8,
asking if your name appears upon our records as approved by the
Secretary of the Interior.

In reply to your letter you are advised that the Commission
has not yet passed upon your right to enrollment as a citizen of the
Choctaw Nation, but as soon as a decision is reached in this case
you will be notified of the action taken therein.

Respectfully,

Commissioner in Charge.

Choctaw 8616

Muskogee, Indian Territory, April 5, 1904.

Rufus Fulson,

Ironbridge, Indian Territory.

Dear Sir:

Your letter of March 19, 1904, addressed to the Secretary of the Interior, has been, by him, referred to the Commission for consideration and appropriate action. Therein you ask the status of the application of Thomas Stuliby.

In reply to your letter you are informed that Thomas Stallaby, son of Anderson and Eliza Stallaby, has been listed for enrollment as a citizen by blood of the Choctaw Nation, but his name has not yet been placed upon the schedules of citizens by blood of the said nation prepared for forwarding to the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Choctaw-5615.

Muskogee, Indian Territory, June 16, 1904.

Thomas Stullby,

Iron Bridge, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 2nd,
in which you ask the status of your enrollment.

In reply to your letter, you are informed that Thomas
Stallaby, son of Anderson and Eliza Stallaby, has been listed
for enrollment as a citizen by blood of the Choctaw Nation; but
his name has not yet been placed upon the schedules of citi-
zens by blood of said nation prepared for forwarding the
Secretary of the Interior.

Respectfully,

Chairman.

2
cbs 100-3011.
Muskogee, Indian Territory, July 15, 1904.

Thomas Stuliby,
Ironbridge, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 8th,
in which you ask if your name is on the roll approved by the
Secretary of the Interior.

In reply to your letter, you are informed that it appears
from our records that Thomas Stallaby is an applicant to the
Commission for enrollment as a citizen by blood of the Choctaw
nation; but his final right to such enrollment has not yet been
determined. As soon as a decision is reached in this case,
you will be notified of the action taken therein.

Respectfully,

Chairman.

COMMISSIONERS:
TAMM HUNT,
THOMAS A. NEEDLES,
C. R. BRIDGEMAN,
WM. C. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

7-5616

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 10, 1904.

Thomas Stallaby,


McGurtain, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 5th instant, requesting to be advised relative to the status of your application for enrollment as a citizen by blood of the Choctaw Nation.

You are advised that Thomas Stallaby is listed for enrollment as a citizen by blood of the Choctaw Nation, but his name has not yet been placed upon a schedule of citizens by blood of the Choctaw Nation to be transmitted to the Secretary of the Interior for approval.

Respectfully,



Chairman.

7-4616

McCurd, Indian Territory, May 12, 1906.

C. T. Mitchell,

McCurd, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 8, asking the status of the application of Thomas Stallaby for enrollment as a citizen by blood of the Choctaw Nation.

In reply to your letter you are advised that the Commission is now considering the application of Thomas Stallaby for enrollment as a citizen by blood of the Choctaw Nation, and when a decision is reached in this case you will be notified of the action taken therein.

Respectfully,

Chairman.

7-5616
Muskegon, Indian Territory, July 23, 1908.

Thomas Stalleby,

Ironbridge, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of
June 23, 1908, asking if you can now file on your allotment.

In reply to your letter you are advised that no
action has yet been taken in the matter of your application
for enrollment as a citizen by blood of the Choctaw Nation,
but when a decision is reached in this case you will be noti-
fied.

Respectfully,

Commissioner.

7-5616

Muskogee, Indian Territory, September 29, 1905.

Thomas Stallaby,
Ironbridge, Indian Territory.

Dear Sir:

Replying to your letter of the 20th instant, you are advised that no decision has as yet been rendered upon your application for enrollment as a citizen of the Choctaw Nation. I have been considering your case for some time and will probably make disposition thereof at an early date. You will be furnished with a copy of the decision when the same is rendered.

Until you have been enrolled and your enrollment approved by the Secretary of the Interior, you will not be permitted to select an allotment.

Respectfully,

Commissioner.

7-5616

Muskogee, Indian Territory, October 27, 1905.

COPY.

Thomas Stallaby,

Ironbridge, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes rendered October 27, 1905, granting your application for enrollment as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against your enrollment. If at the expiration of that time no protest has been filed, your name will be placed upon the final roll of citizens by blood of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tamm Bixby

Commissioner.

Registered.

Incl. 7-5616

7-5616

Muskogee, Indian Territory, October 27, 1905.

COPY

O. T. Mitchell,

Attorney at Law,

McCurtain, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on October 27, 1905, rendered his decision granting the application for the enrollment of Thomas Stallaby as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against his enrollment. If at the expiration of said time no protest has been filed, his name will be placed upon the final roll of citizens by blood of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

James Bixby

Registered.

Commissioner.

COPY.

7-5616

Muskogee, Indian Territory, October 27, 1905.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester Docket.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 27, 1905, granting the application for the enrollment of Thomas Stallaby as a citizen by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the enrollment of this applicant. If at the expiration of said time no protest has been filed, his name will be placed upon the final roll of citizens by blood of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

James Dixby

Registered.

Commissioner.

Incl. 7-5616.

COPY.

7-5616

Muskogee, Indian Territory, October 27, 1905.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester Docket.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered October 27, 1905, granting the application for the enrollment of Thomas Stallaby as a citizen by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the enrollment of this applicant. If at the expiration of said time no protest has been filed, his name will be placed upon the final roll of citizens by blood of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tams Dixby

Commissioner.

Registered.

Incl. 7-5616.

7-5616

Muskogee, Indian Territory, March 26, 1906.

Thomas Stallaby,
Ironbridge, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 20, 1906, in which you ask if your name is on the roll as you desire to select your allotment.

In reply to your letter you are advised that your name has been placed upon a schedule of citizens by blood of the Choctaw Nation which has been forwarded the Secretary of the Interior and you will be notified when your enrollment is approved by him.

Respectfully,

Acting Commissioner.

7-5616

Muskogee, Indian Territory, June 20, 1906.

Thomas Stallaby,

Ironbridge, Indian Territory.

Dear Sir:

Your letter without date addressed to the Secretary of the Interior has been by him referred to this office for consideration and appropriate action. Therein you ask if your enrollment has been approved in order that you may make selection of your allotment.

In reply to your letter you are advised that your name has been placed upon a schedule of citizens by blood of the Choctaw Nation which has been forwarded the Secretary of the Interior, but this office has not yet been advised of Departmental action thereon. You will be notified when your enrollment is approved.

Respectfully,

Commissioner.

Thomas Stetaby
 Ohio
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Per
 Bill.

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Choc 5617

Simeon Hicks

5617

Department of the Interior,
Commission to the Five Civilized Tribes.
Garvin, Ind. Ter., November 28, 1902.

Original
Choctaw
Delinquent.

In the matter of the original application for the enrollment of Simeon Hicks for enrollment as a citizen by blood of the Choctaw Nation.

Madison E. Jefferson, having been first duly sworn, upon his oath testifies as follows, through Lincoln Ishomer, duly sworn interpreter:

Examination by the Commission:

Q What is your name? A Madison E. Jefferson.
Q How old are you? A Fifty.
Q What is your post office address? A Lukfata, Indian Territory.
Q You desire to make application for the enrollment as a citizen by blood of the Choctaw Nation of Simeon Hicks? A Yes sir.
Q How old is Simeon Hicks? A Twelve years old.
Q Is Simeon Hicks any relation to you? A Yes, my grandson.
Q What was the name of his father? A Cephus Hicks.
Q Is Cephus Hicks living? A Yes sir.
Q Is he a citizen by blood of the Choctaw Nation? A Yes sir.
Q What is the name of Simeon's mother? A Elsie Hicks.
Q Is she living or dead? A Dead.
Q Was she a citizen by blood of the Choctaw Nation? A Yes sir.
Q When did she die? A Two years ago.
Q Was Elsie Hicks your daughter? A Yes sir.
Q Were Cephus and Elsie Hicks living together in 1896 as man and wife? A Yes.
Q Was Cephus Hicks sometimes called Cephus Hayes? A Yes sir.
Q Then Cephus Hicks and Cephus Hayes are one and the same man? A Yes.
Q And this boy Simeon Hicks was also called Simeon Hayes? A Yes.
Q Was Elsie Hicks ever called Annie? A No.
Q Was Annie Cephus Hicks's second wife? A Yes.
Q Did this boy Simeon Hicks draw his pro rata share of the 1893 Leased District Money? A Yes sir.
Q What county did he live in at that time? A Washoba.
Q Who was this money paid to? A Cephus Hicks.
Q How long has Simeon Hicks, or Hayes, been living with you? A About two years.
Q He is living with you now? A Yes sir, Cephus gave the boy to me.
Q Was his application ever made for the enrollment of Simeon Hicks to this Commission? A Yes sir, Cephus Hicks is his father and I always thought he registered the boy at Alikohi.
Q Did Cephus Hicks draw the 1893 leased district payment? A I don't know sir.

--oOo--

Lincoln Ishomer, called as a witness, having been first duly sworn, upon his oath testifies as follows:

Simeon Hicks-----2
Lincoln Langdoner, witness.

Examination by the Commission:

Q What is your name? A Lincoln Langdoner.
Q How old are you? A Thirty nine.
Q What is your post office address? A Lukfata? Indian Territory.
Q Are you a citizen by blood of the Choctaw Nation? A Yes sir.
Q Do you know Simeon Hicks? A Yes.
Q How old is he? A About twelve years old.
Q Who is his father? A Cephus Hicks.
Q Who was his mother? A Elsie.
Q Was Cephus Hicks sometimes called Cephus Hayes? A Yes sir.
Q Then Cephus Hicks and Cephus Hayes are one and the same man?
A Yes.

(Witness Excused)

The name of Simeon Hayes, six years of age, appears on the
1896 Choctaw census roll, Washoba County, page 135, No. 3528.

-----oOo-----

Harry C Risteen, being first duly sworn, upon his oath states:
That as stenographer to the Commission to the Five Civilized Tribes
he reported in full, all proceedings had in the above entitled cause
on the 28th day of November, 1902, and that the above and foregoing
is a full, true and correct transcript of his stenographic notes of
said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 15 day of December, 1902.

P. C. Boyer
Notary Public.

Choc 5618

Roberson Choate

5618

Department of the Interior.
Commission to the Five Civilized Tribes,
Tuskahoma, Indian Territory, December 10th., 1902.

Original
Choctaw
Delinquent.

In the matter of the original application of Roberson Choate for enrollment as a citizen by blood of the Choctaw Nation.

Roberson Choate, having been first duly sworn, upon his oath testifies as follows, through Peter J. Hudson, duly sworn Choctaw Interpreter:

Examination by the Commission:

- Q What is your name? A Roberson Choate.
Q How old are you? A I will be thirty one next August.
Q What is your post office address? A Tuskahoma, Indian Territory.
Q What is your father's name? A Lyman Choate, but they generally called him Lummy Choate.
Q Is he living? A Yes sir.
Q Is he a citizen by blood of the Choctaw Nation? A Yes sir.
Q What is the name of your mother? A Betsy.
Q Is she living or dead? A Dead.
Q Where were you born? A Nashoba County.
Q Have you always resided in the Choctaw Nation? A Yes sir.
Q Did you draw your pro rata share of the 1893 Leased District money? A Yes sir.
Q In what county did you draw that money? A Wade County.
Q Was the money paid to you? A Yes, paid to me.

The name of Robinson Cheat is found upon page 19 of the Wade County Leased District Payment Roll, No. 184.

- Q Did you ever make application for enrollment as a citizen by blood of the Choctaw Nation to the Commission to the Five Civilized Tribes? A I was on the way here to enroll, but I met my father going back and he told me he had enrolled me, and that is why I never came on. Since then I have been receiving letters.
Q This is the first time you were ever before the Dawes Commission? A Yes.
Q Are you married? A Yes.
Q What is the name of your wife? A Elizabeth.
Q What was her maiden name? A Elizabeth Battiest.
Q What was the name of her father? A Calvin Battiest.
Q What was the name of her mother? A I don't know.
Q Is Calvin Battiest living? A Dead.
Q Was he a citizen by blood of the Choctaw Nation? A Yes sir.
Q Is your wife's mother living? A Dead.
Q How long have you been married to Elizabeth? A A little over a year.
Q Has she got any brothers or sisters? A No.
Q Who was she living with at the time you married her? A She was with her step mother.

Roberson Choate-----2.

Q What was the name of her step mother? A Miley Battiest.

The name of Elizabeth Battiest, fourteen years of age, is found upon Choctaw roll card, Field No. 1965.

Certificate of marriage, in the Choctaw language, between Robisin Ashat and Lisibet Ashat, presented by applicant received, filed, and made a part of the record in this case.

Q Have you any children? A No.

The name of Robertson Shoat, 15 years of age, appears upon the 1896 Choctaw Census roll, Wade County, page 292, No. 11334.

---oOo---

Harry C Risteen being first duly sworn upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 10th day of December, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this ³⁰ day of December, 1902

Charles W. Sawyer

Notary Public.

Choc 5619

Rhoda Lawechebbe

5619

COPY.

7-5619.

Roll No. 14835.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the enrollment of Rhoda Lawechubbe as a citizen by blood of the Choctaw Nation.

D E C I S I O N.

It appears from the records of the Commission to the Five Civilized Tribes that Rhoda Lawechubbe has been finally enrolled as a citizen by blood of the Choctaw Nation, her name appearing as number 14835 upon a partial roll of such citizens approved by the Secretary of the Interior May 20, 1903.

On October 1, 1904, T. M. Dumas appeared at the Choctaw Land Office of the Commission to the Five Civilized Tribes and presented letters of administration issued out of the United States Court for the Southern District of Indian Territory, at Tishomingo, Indian Territory, on September 30, 1904, appointing him administrator of the estate of Rhoda Lawechubbe, deceased, together with the affidavits of Willie Lawechable and George Grubbs, wherein it is alleged that Rhoda Lawechubbe died on the 16th day of October, 1902.

Under the letters of administration and proof of death so presented, T. M. Dumas, as administrator, selected land in allotment for the estate of Rhoda Lawechubbe, deceased, to the value of \$1027.51; said land being described as follows:

HOMESTEAD SELECTION.

8/2 of NE/4 of SW/4; 8/2 of SW/4, less 6.16 acres for A. & C. Ry.; SW/4 of SE/4, less 4.60 acres for A. & C. Ry.; NW/4 of SE/4 of SE/4, less .01 acre for A. & C. Ry.; and 9/2 of SE/4 of SE/4, less 6.15 acres for A. & C. Ry., all in Section 4, Township 6 South, Range 6 East.

LAND EXCLUSIVE OF HOMESTEAD.

N/2 of NW/4 of NE/4; and SW/4 of NW/4 of NE/4, Section 9, Township 6 South, Range 6 East; SE/4 of NE/4 of SE/4; and SW/4 of NW/4 of SE/4, Section 8, Township 6 South, Range 6 East; 3/2 of W/2 of NW/4, Section 15, Township 6 South, Range 6 East; and SW/4 of SW/4 of NE/4, Section 20, Township 6 South, Range 6 East.

J-2078

NO. 10 34899

COBA

On October 11, 1902, there was filed with the Commission to the Five Civilized Tribes, the affidavits of Willie Washubbi and Meland Hymson, wherein they stated that Rhoda Waychubby, who is identical with the applicant herein, died on May 31, 1900, and subsequently there was filed with said Commission the affidavit of Ella Shipman, to the effect that said applicant died on October 16, 1904.

Thereafter, the Commission to the Five Civilized Tribes ordered an investigation to be made, in order to determine the date of the death of the said Rhoda Lawechubbe, and the record herein is the result of such investigation.

I am of the opinion that the evidence herein clearly shows that Rhoda Lawechubbe, whose name appears as number 14835 upon the approved roll of citizens by blood of the Choctaw Nation, died on or about the 31st day of May, 1900.

SIGNED *Tame Bixby.*

Commissioner.

Muskogee, Indian Territory,

JUL - 3 1905

L. W. R. TLIFF,
 Sheriff, Kiamichi County,
 Choctaw Nation.

Goodland, I.T., 189

- V
 Rhoda Lawachutte
 1 she lives in Kiamichi Co.
 2 Good Land.
 3 she is about 47 years old.
 4 she is a full blood Chickasaw.
 5 Her name was Garland,
 6 he is dead.
 7 he is a full blood Chickasaw in ^{Tawson} Cedar Co.
 8 Liger.
 9 she is dead.
 10 she is a full blood Chickasaw in ^{Tawson} Cedar Co.

This woman claimed to be a
 Chickasaw and seem sure
 she is it because that her
 father and mother were not
 married when she was born,
 and she does not know much
 about them but they will appear
 on the last pay roll made at Goodland.

L. W. RATLIFF,

Sheriff, Kiamichi County,

Choctaw Nation.

Goodland, I. T.,

189

✓ *William Lawrence* 997. ~~997~~

1 In Kiamichi Co,

2 Good Land.

3 about 41 years.

4 I am a full blood Choctaw

5 Charles Lawrence.

6 He is dead.

7 He was a Choctaw by blood, he lived in Kiamichi Co.

8 Vicie Lawrence.

9 She is dead.

10 She was a Choctaw by blood, Kiamichi Co.

L. W. RATLIFF,

Sheriff, Kiamichi County,

Choctaw Nation.

Goodland, I. T., _____ 189

✓ Lewis Lawachubbe

1 In Kiamichi Co.

2 Good Land

3 he is about 14 years old,

4 1/2 Chickasaw, & 1/2 Choctaw.

5 Still in Lawachubbe.

6 yes

7 yes. In Kiamichi Co

8 Rhoda Lawachubbe.

9 yes. she lives in Kiamichi Co.

7-5619

Muskogee, Indian Territory, September 29, 1906.

Chief Clerk,
Choctaw Land Office,
Atoka, Indian Territory.

Dear Sir:

Referring to Choctaw roll card No. 5619, Rhoda Lawechubbe et al. you are advised that a red line has this day been drawn through the name of No. 2 thereon Lewis Lawechubbe and the following notation in red ink placed on said card.

"No. 1 is duplicate of Lewis Wachubbe No. 2 on Choctaw card #5599. Enrollment cancelled under Departmental authority of September 11, 1906 (I.T.D. #15622-1906) D. C. 40078-1906."

You are therefore directed to make duplicate card of this number in your possession conform to this information.

Respectfully,

Commissioner.

7-5619

Muskogee, Indian Territory, September 29, 1906.

Chief Clerk,
Chickasaw Land Office,
Ardmore, Indian Territory.

Dear Sir:

Referring to Choctaw roll card No. 5619, Rhoda Lawchubbe et al., you are advised that a red line has this day been drawn through the name of No. 2 thereon Lewis Lawchubbe and the following notation in red ink placed on said card:

"No. 1 is duplicate of Lewis Washubbe No. 2 on Choctaw card #5592. Enrollment cancelled under Departmental authority of September 11, 1906 (I.T.D. #15622-1906) D. C. 40078-1906."

You are therefore directed to make duplicate card of this number in your possession conform to this information.

Respectfully,

Commissioner.

COPY.

Madrege, Indian Territory, October 8, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Permit me to invite your attention to the matter of the enrollment, the date of the death and an allotment made to Rhoda Lawochubbe, whose name appears upon a schedule constituting a part of the final roll of the citizens by blood of the Cheateau Nation transmitted by the Commission to the Five Civilized Tribes March 28, 1903, and approved by the Secretary of the Interior May 20, 1903, opposite No. 14538.

In connection with the enrollment of the said Rhoda Lawochubbe, the attention of the Department is also invited to the enrollment of Rhoda Wachubbe, whose name appears upon a schedule constituting a part of the final roll of the citizens by blood of the Chickasaw Nation approved by the Secretary of the Interior December 12, 1902, opposite No. 3803.

After the approval by the Department of the enrollment of Rhoda Wachubbe, Chickasaw roll by blood No. 3803, there

was received by the Commission to the Five Civilized Tribes the affidavits of Willie Washubbi and Roland Hynson, wherein it is alleged that Rhoda Waychubby died May 31, 1900.

The Commission to the Five Civilized Tribes on May 24, 1904, recommended to the Department the cancellation from the approved roll of the citizens by blood of the Chickasaw Nation of the names of a number of persons who died prior to September 25, 1903, the name of the said Rhoda Washubbe being included therein, and the date of her death recited as May 31, 1900.

The Department on July 2, 1904 (I. T. D. 5324-1904), concurring in the recommendations of the Commission to the Five Civilized Tribes and of the Commissioner of Indian Affairs of June 28, 1904 (Land 40208-1904), authorized the cancellation of the name of Rhoda Washubbe as the same appeared upon the final roll of the citizens by blood of the Chickasaw Nation opposite No. 3803.

October 3, 1904, T. M. Dumas, of Madill, Indian Territory, appeared before the Chickasaw Land Office of the Commission to the Five Civilized Tribes, then located at Tishomingo, Indian Territory, and presented letters of administration issued by the United States Court for the Southern District of the Indian Territory, appointing him as the

administrator of the estate of Rhoda Laweshubbe, deceased.

In the letters of administration the date of the death of Rhoda Laweshubbe was recited as October 16, 1902.

Mr. Dumas also presented to the Chickasaw Land Office, on the same date, the affidavits of Willie Laweshabie and George Grubbs, which were executed before R. E. Howells, a notary public for the Central District of the Indian Territory, September 20, 1904, and in which the date of the death of Rhoda Laweshabie was recited as October 16, 1902.

Under the letters of administration issued to the said T. W. Dumas, he selected at the Chickasaw Land Office on October 3, 1904, as an allotment for Rhoda Laweshubbe, deceased, Choctaw Roll by Blood No. 14835, land of the appraised value of \$1012.51, situated in the Chickasaw Nation and described as follows:

FOURTH TRACT

The N/2 of the NE/4 of the SW/4;
the S/2 of the SW/4 (less 6.16 acres
for right-of-way of A. & C. Rail-
way); the SW/4 of the NE/4 (less 4.60
acres for right-of-way of A. & C.
Railway); the NW/4 of the NE/4 of the
SW/4 (less .01 acre for right-of-way
of A. & C. Railway); the S/2 of the
NE/4 of the SW/4 (less 6.13 acres for
right-of-way of A. & B. Railway); all
in Section 4, Township 4 south, Range
6 east.

EXCLUSIVE OF HOMESTEAD

The E/2 of the NW/4 of the NE/4;
and the SW/4 of the NW/4 of the
NE/4 of Section 9; the NE/4 of
the NE/4 of the NE/4 and the
SW/4 of the NW/4 of the NE/4 of
Section 8; all in Township 6 South,
Range 6 east; and the E/2 of the
W/2 of the NW/4 of Section 15,
Township 6 south, Range 6 east.

For this selection, Chickasaw homestead certificate No.

9511 and Chickasaw allotment certificates No's. 12657 and
12658 were prepared by the Commission to the Five Civilized
Tribes.

The said T. M. Dumas, under the letters of administra-
tion referred to, again appeared before the Chickasaw Land
Office of the Commission to the Five Civilized Tribes, at
Tishomingo, Indian Territory, on October 15, 1904, and se-
lected additional land, as a portion of the allotment of
Rhoda Laweschulte, deceased, of the appraised value of \$15.00,
and described as follows:

The SW/4 of the SW/4 of the
NE/4 of Section 20, Township
6 south, Range 6 east.

For this latter selection Chickasaw allotment certificate
No. 12647 was prepared.

The total appraised value of the land selected for the

estate of the said Rhoda Lawechubbe, deceased, by T. M. Dumas, as administrator, amounts to \$1027.51.

The chief clerk of the Choctaw Land Office, at Atoka, Indian Territory, on February 23, 1905, transmitted to the Commission to the Five Civilized Tribes the testimony of Willie Wachubbe, the husband of Rhoda Wachubbe (or Rhoda Lawechubbe) from which it is evident that Rhoda Wachubbe, whose name appears upon the final roll of the citizens by blood of the Chickasaw Nation opposite No. 3803, and whose enrollment was cancelled by Departmental authority of July 2, 1904 (I. T. D. 5324-1904), is identical with the Rhoda Lawechubbe, whose name appears upon the final roll of the citizens by blood of the Choctaw Nation opposite No. 14835 and for whom an allotment had been selected at the Chickasaw Land Office on October 3 and 15, 1904, by T. M. Dumas, under the letters of administration issued by the United States Court for the Southern District of the Indian Territory.

An investigation was then instituted by this office for the purpose of ascertaining the correct date of the death of said Rhoda Wachubbe or Rhoda Lawechubbe.

While this investigation was in progress, Elizabeth Perkins appeared before the Chickasaw Land Office of the Commissioner, at Ardmore, Indian Territory, on November 9, 1905,

and instituted a contest against T. M. Dumas, as the administrator of the estate of Rhoda Lawechubbe, deceased, for the following described land, being a portion of the selection made by T. M. Dumas in October 1904:

The S/2 of the NE/4 of the SW/4; the S/2 of the SW/4 (less 6.16 acres for right-of-way of A. & C. Railway); the SW/4 of the SE/4 (less 4.60 acres for right-of-way of A. & C. Railway); the W/2 of the SE/4 of the SE/4 (less 3.08 acres for right-of-way of A. & C. Railway); all in Section 4, Township 6 south, Range 6 east.

At the time of the institution of this contest by Elizabeth Perkins, her name appeared upon the records of the Commissioner to the Five Civilized Tribes as an undetermined applicant for enrollment as a citizen by intermarriage of the Choctaw Nation.

The complaint filed by Elizabeth Perkins, on November 9, 1905, was docketed and the case designated as "Chickasaw Allotment Contest No. 2293."

The issuance of notice of contest and summons was suspended pending the final disposition of the application for the enrollment of Elizabeth Perkins as a citizen by inter-

marriage of the Choctaw Nation.

November 27, 1905, the Secretary of the Interior approved the enrollment of Elizabeth Perkins as a citizen by intermarriage of the Choctaw Nation and her name appears upon the final roll of the citizens by intermarriage of the Choctaw Nation, opposite No. 1501.

Elizabeth Perkins, in instituting the contest against T. M. Dumas, as the administrator of the estate of Rhoda Lawechukko, deceased, on November 9, 1905, testified that there were improvements upon the land in controversy consisting of a log house and about 20 acres in cultivation and under fence, of the value of \$500 or \$600, of which she was the owner and in possession, and had so been since the month of May 1904, when she purchased the same from a Mr. Denson.

Prior to the approval by the Department of the enrollment of Elizabeth Perkins as an intermarried citizen of the Choctaw Nation, and on November 14, 1905, Joseph P. Reardon, as the guardian of Annie Lula Burris, whose name appears upon the final roll of new-born citizens by blood of the Chickasaw Nation, enrolled under the act of Congress approved March 3, 1905 (33 Stats., 1060), opposite No. 534, appeared before the Chickasaw Land Office and also filed a complaint against

the said T. M. Dumas, as administrator of the estate of Rhoda Laweschubbe for the identical land which was contested by Elizabeth Perkins in her complaint of November 9, 1905.

Annie Lula Burris, represented by Joseph P. Reardon, guardian, thus became an intervener in Chickasaw Allotment Contest Case No. 2293.

November 16, 1905, Willie Bounds, an undetermined applicant for enrollment as a citizen of the Chickasaw Nation, being the white child of E. H. Bounds, a citizen by intermarriage of the Chickasaw Nation, also filed her complaint for the identical land described in Chickasaw Allotment Contest Case No. 2293, and thus became a second intervener in said case.

No further action has been taken by the Commissioner in Chickasaw Allotment Contest Case No. 2293 since the filing of the three complaints, the one by Elizabeth Perkins, the one on behalf of Annie Lula Burris and the one by Willie Bounds.

November 14, 1905, Joseph P. Reardon, as the guardian of the aforesaid Annie Lula Burris, also filed a complaint against T. M. Dumas, as the administrator of the estate of Rhoda Laweschubbe, deceased, for the following described

land:

The NE/4 of the SE/4 of the SE/4 (less 3.08 acres for right-of-way of A. & C. Railway) in Section 4; the N/2 of the NW/4 of the NE/4; the SW/4 of the NW/4 of the NE/4 of Section 9; the SE/4 of the NE/4 of the SE/4; the SW/4 of the NW/4 of the SE/4 of Section 8; the SW/4 of the SW/4 of the NE/4 of Section 20; all in Township 6 south, Range 6 east; and the N/2 of the W/2 of the NW/4 of Section 15, Township 6 south, Range 5 east.

This complaint was docketed as Chickasaw Allotment Contest Case No. 2298, entitled "Annie Lula Burris versus Rhoda Laweschubbe, deceased."

November 18, 1905, Willie Bounds, an undetermined applicant for enrollment as a citizen of the Chickasaw Nation and hereinbefore referred to, also filed her complaint against T. M. Dumas, as the administrator of the estate of Rhoda Laweschubbe, deceased, for the

SE/4 of the SE/4 of the SE/4 (less 3.08 acres for right-of-way of A. & C. Railway), Section 4, Township 6 south, Range 6 East,

and thus became an intervener in Chickasaw Allotment Contest Case No. 2298.

On the same date, Georgia Bounds, an undetermined applicant for enrollment as a citizen of the Chickasaw Nation, and a full sister of Willie Bounds, filed her complaint against T. M. Dumas, as the administrator of the estate of Rhoda Laweschubbe, deceased, for the following described lands:

The N/2 of the NW/4 of the NE/4;
the SE/4 of the NW/4 of the NE/4
of Section 9; the NE/4 of the
NE/4 of the NE/4, and the SW/4
of the NW/4 of the NE/4 of Section
8; all in Township 6 south, Range
6 east,

and thus became a second intervener in Chickasaw Allotment Contest Case No. 2296.

No further action has been taken by the Commissioner in Chickasaw Allotment Contest Case No. 2298 since the filing of the complaints by Willie Bounds and Georgia Bounds on November 18, 1905.

In the complaints filed by Joseph P. Reardon, as the guardian of Annie Lula Burris, on November 14, 1905, and by Willie Bounds and Georgia Bounds on November 18, 1905, it is alleged that they were the owners of, and in actual possession of, the improvements upon the tracts of land described in said complaints.

The statements in said complaints and in the testimony taken at the Chickasaw Land Office are somewhat vague as to the actual date that the complainants obtained possession of the improvements upon the land in controversy.

The investigation made by this office in reference to the date of the death of Rhoda Wachubbe, or Rhoda Lawachubbe, conclusively demonstrates that the two names enrolled upon Chickasaw roll by blood, opposite No. 3803 and Choctaw roll by blood, opposite No. 14835, are one and the same person and that the said Rhoda Wachubbe or Rhoda Lawachubbe died May 31, 1900.

A finding of fact to this effect was promulgated by the Commissioner to the Five Civilized Tribes July 6, 1906, and a copy of the testimony and the finding of fact were on July 7, 1906, furnished T. M. Dumas, Wadill, Indian Territory, by registered mail with the notification that he would be allowed to show cause and introduce testimony before the Commissioner to the Five Civilized Tribes at his office at Muskogee, Indian Territory, on Wednesday, August 15, 1906, at 9 o'clock A. M., why recommendation should not be made to the Secretary of the Interior for the cancellation from the approved roll of the citizens by blood of the Choctaw Nation of the name of Rhoda

Lawschubbe, appearing thereon opposite No. 14835.

The Department, under date of August 20, 1906 (I. T. D. 10271-1906), transmitted to this office a letter of Charles von Weine, attorney at law, Ardmore, Indian Territory, of August 14, 1906, in which he makes reference to Chickasaw Allotment Contest Case No. 2793, entitled "Elizabeth Perkins versus Rhoda Lawschubbe, deceased", and urging on behalf of his clients, Willie and Georgie Bounds, that the Department prevent the Commissioner to the Five Civilized Tribes from dismissing the pleas of intervention on behalf of the said Willie Bounds and Georgie Bounds in said contest or the taking of any action therein whatsoever until such time as the question of the citizenship of the said Willie and Georgie Bounds is finally determined by the Department.

The Department also, under date of August 30, 1906 (I. T. D. 14748-1906), concurring in my recommendation of August 10, 1906, authorized the cancellation of the name of William Lawschubbe from the final roll of the citizens by blood of the Choctaw Nation as the same appeared thereon, opposite No. 13806.

In my report of August 10, 1906, recommending the cancellation of the enrollment of William Lawschubbe above referred to, I invited attention to the probable duplicate enrollment

of Rhoda Wachubbe and Rhoda Lawechubbe and reported that the matter of said duplicate enrollment would be made the subject of a separate report when an investigation as to the date of the death of Rhoda Wachubbe or Rhoda Lawechubbe had been completed.

I now have the honor to transmit herewith the record in the matter of the investigation of the date of the death of Rhoda Wachubbe or Rhoda Lawechubbe.

Inasmuch as the evidence in this case conclusively shows that Rhoda Lawechubbe died prior to September 25, 1902, the date of the ratification by the citizens of the Choctaw and Chickasaw Nations of the Act of Congress approved July 1, 1902 (32 Stats., 641), I have the honor to respectfully recommend the cancellation of the name of the said Rhoda Lawechubbe from the final roll of the citizens by blood of the Choctaw Nation as the same appears thereon, opposite No. 14835.

In reference to Chickasaw Allotment Contest Cases No's. 2293 and 2298, I am of the opinion that the allotment selected by T. M. Dumas, as the administrator of the estate of Rhoda Lawechubbe, deceased, on October 3 and 15, 1904, should be cancelled, set aside and held for naught.

I would recommend, however, that Chickasaw Allotment

Contest Case No. 2293 be reformed and amended by making Elizabeth Perkins the contestee therein and her selection of November 9, 1908, of the

S/2 of the NE/4 of the SW/4;
the S/2 of the SW/4 (less 6.16
acres for right-of-way of A. &
C. Railway); the SW/4 of the
SE/4 (less 4.60 acres for right-
of-way of A. & C. Railway); the
W/2 of the SE/4 of the SE/4 (less
3.08 acres for right-of-way of
A. & C. Railway); all in Section
4, Township 6 south, Range 6 east,

effective as of that date; that Annie Lula Burris, represented by her guardian, Joseph P. Reardon, be made the contestant in said cause as of the date of the filing of the plea of intervention in her behalf November 14, 1908, and that the plea of intervention filed by Willie Bounds in said cause on November 18, 1908, be amended to make the said Elizabeth Perkins contestee.

As to Chickasaw Allotment Contest Case No. 2298, I would respectfully recommend that the same be reformed and amended by making Annie Lula Burris the contestee therein for the tract of land described as the

SE/4 of the SE/4 of the SE/4
(less 3.08 acres for right-of-way
of A. & C. Railway), Section 4,
Township 6 south, Range 6 east,

and that the application for said land made by Joseph P.

Reirder as the guardian of Annie Lula Burris, on November 14, 1905, be made effective as of that date and that the plea of intervention filed by Willie Bounds on November 18, 1905, be amended so as to make her the contestant against the said Annie Lula Burris for the tract of land in question.

I would further suggest and recommend as to the tract of land described as the

N/2 of the NW/4 of the NE/4;
the SE/4 of the NW/4 of the
NE/4 of Section 9; the SE/4 of
the NE/4 of the NE/4; the SE/4
of the NW/4 of the NE/4 of Sec-
tion 8; Township 6 south, Range 6
east,

that the application for said land made by Joseph P. Reirder as the guardian of Annie Lula Burris, of November 14, 1905, be made effective as of that date and that the plea of intervention filed by Georgia Bounds on November 18, 1905, be reformed so as to make her the contestant against Annie Lula Burris for the tract of land in question and that the said contest be separately docketed from Chickasaw Allotment Contest Cases No's. 2293 and 2296.

I would also recommend and suggest in the event of the final enrollment of Willie and Georgia Bounds, that these three contest cases be consolidated and tried as one case

14.

without reference to such rights, if any, as the several parties in interest may have seemingly acquired by the erroneous allotment made to Rhoda Laweehuhbe upon the application of T. M. Dumas on October 3 and 15, 1904.

It is further recommended as to the land described as the

N/2 of the W/2 of the NW/4,
Section 15, Township 6 south,
Range 3 east, and the SW/4 of the
SW/4 of the NW/4, Section 20,
Township 6 south, Range 3 east,

that the application made therefor by Joseph P. Reardon as the guardian of Annie Lala Burris, November 14, 1905, be made regular and the land designated as a portion of the allotment of the said Annie Lala Burris.

Respectfully,

SIGNED *Tamo Bixby.*

Commissioner.

Through the
Commissioner of Indian Affairs.

B. C. C.

Enc. 1-3.

J.J. Jr.

DEPARTMENT OF THE INTERIOR,
WASHINGTON. FHE.

I.T.D. 21406-1906.

December 12, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On October 8, 1906, you transmitted your report in reference to the enrolment, date of death and allotment made to Rhoda Lawechubbe, whose name appears opposite No. 14835 upon the roll of citizens by blood of the Choctaw Nation, approved by the Department May 20, 1903.

You recommend the cancelation of the name of Rhoda Lawechubbe from the final roll of citizens by blood of the Choctaw Nation, and that the allotment of T. M. Dumas, as administrator of the estate of said Rhoda Lawechubbe, deceased, be canceled, set aside and held for naught.

You further recommend, in regard to Chickasaw allotment contest cases Nos. 2293 and 2298, that they be reformed and amended as may be necessary by reason of the removal of said Rhoda Lawechubbe as a party thereto, and in the event of the enrolment of Willie and Georgia Bounds you suggest that the contest cases be consolidated and tried without reference to any rights the several parties in interest may have seemingly acquired by reason of the erroneous allotment made to Rhoda Lawechubbe.

You also recommend that the land described as the E/2 of the W/2 of the NW/4 of Sec. 15, T. 6 S., R. 5 E., and the SW/4 of the SW/4 of the NE/4 of Sec. 20, T. 6 S., R. 6 E., be designated as a portion of

the allotment of Annie Lula Burris.

The Indian Office concurs in your recommendations. A copy of its letter is inclosed.

In accordance with your recommendations, you are authorized to strike the name of Rhoda Laweshubbe, opposite No. 14335, from the final roll of citizens by blood of the Choctaw Nation. The Department has made such cancellation upon the proper roll in its possession and has requested the Indian Office to take like action.

Your other recommendations appearing to be proper and necessary in view of the circumstances surrounding this case, are approved, and you are directed to take action in accordance therewith.

Respectfully,
(Signed) Jesse E. Wilson,
Assistant Secretary.

1 inclosure.

LAND.
89560, 1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

October 25, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated October 8, 1906, together with the record and testimony in the matter of the enrollment of Rhoda Wachubbe, a Chickasaw by blood, approved roll, No. 3802, and Rhoda Lawechubbe, Choctaw by blood, approved roll 14835 and making certain recommendations therein.

From the record it appears that Rhoda Wachubbe and Rhoda Lawechubbe is one and the same person, and on May 24, 1904, the Commission to the Five Civilized Tribes recommended to the Department the cancellation from the approved roll of the citizens by blood of the Chickasaw Nation of the name of Rhoda Wachubbe, among others, it being shown at that time that she had died May 31, 1900, this recommendation being based on the affidavits of Willie Wachubbi and Noland Hynson, and on July 2, 1904 (I.T.D. 5024,,1904), the Department authorized the cancellation of her name as it appeared opposite No. 3803 on the final roll of the citizens by blood of the Chickasaw Nation.

On October 3, 1904, T. M. Dumas, of Madill, I.T., appeared before the Commission at the Chickasaw Land Office and presented letters of administration issued by the United States Court for the Southern District of Indian Territory, appointing him administrator of the estate of Rhoda Lawachubbe, deceased, the date of her death being therein

recited as of October 16, 1902. Mr. Dumas at the same time filed affidavits of Willie Lawachubbe and George Grubbs, executed before R.E. Rolles, notary public for the Central District of Indian Territory, September 20, 1904, also setting forth the date of the death of Rhoda Lawachubbe as being October 16, 1902. Under and by authority of the letters of administration issued to him, Dumas Selected at the Chickasaw Land Office, on October 3, 1904, an allotment for Rhoda Lawachubbe deceased, Choctaw roll by blood 14835. Land of the appraised value of \$1,012.57, situated in Section 4, T 6 S, R 6 E, in the Chickasaw Nation, was selected for a homestead, and in Section 15, T 6 S, R 6 E, for her lands exclusive of her homestead, for which was issued Chickasaw homestead certificate No. 9,511, and Chickasaw allotment certificates Nos. 12657 and 12658, and on October 15, 1904, the administrator selected the additional lands as a part of the allotment of Rhoda Lawachubbe, deceased, of the appraised value of \$15.00, in Section 20, T 6 S, R 6 E, for which Chickasaw allotment certificate No. 12847 was issued, making the total value of the lands selected by the administrator of the estate of Rhoda Lawachubbe, deceased, \$1,027.57. On February 23, 1905, the Chief Clerk in Charge of the Choctaw Land Office called the attention of the Commission to the Five Civilized Tribes to the testimony taken by him of Willie Washubbe, which seemed to establish the fact that Rhoda Washubbe and Rhoda Lawachubbe was one and the same person, whereupon the Commission instituted an investigation for the purpose of ascertaining the correct date of the death of Rhoda Lawachubbe. While this investigation was in progress, Elizabeth

Perkins, on November 9, 1905, appeared at the Chickasaw Land Office at Ardmore, and instituted a contest against T.M. Dumas, the administrator of the estate of Rhoda Lawashubbe, deceased, for a part of the lands selected by him in October, 1904. At the time of the institution of this contest by Elizabeth Perkins, she had not yet been approved as a citizen by intermarriage of the Choctaw Nation, and the issuance of the notice of contest and summons was suspended pending the final disposition of her application for enrollment, the case being docketed, however, as Chickasaw allotment contest No. 2293. Prior to Departmental approval of Elizabeth Perkins' enrollment as an intermarried citizen of the Choctaw Nation, November 27, 1905, Joseph P. Reardon, as the guardian of Annie Lula Burris, No. 534 of the final roll of new born citizens by blood of the Chickasaw Nation, filed a complaint on November 4, 1905, against T.M. Dumas as administrator of the estate of Rhoda Lawashubbe, for the same land that Elizabeth Perkins filed her complaint on November 9, 1905, and Annie Lula Burris was docketed as intervener in Chickasaw allotment contest No. 2293. On November 12, 1905, nine days prior to the approval of the enrollment of Elizabeth Perkins by the Department, Willie Bounds, an undetermined applicant for enrollment as a citizen of the Chickasaw Nation, the white child of E. H. Bounds, a citizen by intermarriage of the Chickasaw Nation, filed a complaint for the land described in Chickasaw allotment contest No. 2293, and was docketed as a second intervener in this case. November 14, 1905, Joseph P. Reardon, as the guardian of Annie Lula Burris, filed a complaint against T. M. Dumas as the administrator of the estate of Rhoda Lawashubbe, deceased, for another part of the

land selected by him, and this complaint was docketed in the Commissioner's office as Chickasaw allotment contest No. 2298, and November 18, 1908, Willie Bounds also filed her complaint against the filing of T.M. Dumas to a part of the land contested by Joseph P. Reirson, and was docketed an intervenor in Chickasaw Allotment Contest No. 2298. On the same date Georgie Bounds, a sister of Willie Bounds, of the same status, filed a complaint against the selection of T. M. Dumas, to another part of the land, and was docketed a second intervenor in Chickasaw allotment contest No. 2298. The Commissioner reports that since the filing of these complaints no further action has been taken in contest No. 2298, and that in a complaint filed by Joseph P. Reirson, guardian of Annie Lula Burris, and in the complaint of Willie Bounds and Georgie Bounds it is alleged that they are the owners of and in actual possession of the improvements upon the tracts of land described in the several complaints. The Commissioner says, however, that the testimony taken is vague as to the actual date that the complainants obtained possession of the improvements upon the land in controversy.

From the evidence transmitted herewith it is clear that Rhoda Lavachubbe died prior to September 25, 1902,. The Office concurs in the recommendation of the Commissioner that the name of Rhoda Lavachubbe as it appears on the final roll of citizens by blood of the Choctaw Nation, opposite No. 14835, be cancelled, also that the allotment selections made by T.M. Dumas as the administrator of the estate of Rhoda Lavachubbe, and docketed in the Commissioner's office as Chickasaw

allotment contests Nos. 2293 and 2298 should also be cancelled, set aside, and held for naught; also that the Chickasaw allotment contest No. 2293 be reformed and amended by making Elizabeth Perkins a contestee therein instead of an intervener, and that her selection of November 9, 1905, be effective as of that date for the S/2 of the NE/4 of the SW/4; the S/2 of the SW/4, less 6.16 acres for the right of way of the A. & C. Railroad; the SW/4 of the SE/4, less 4.60 acres for the right of way of the A. & C. Railroad; the W/2 of the SE/4 of the SE/4, less 3.08 acres for the right of way of the A. & C. Railroad; all in Section 4, T 6 S, R 6 E; and that Annie Lula Burris, by her guardian, Joseph P. Reardon, be made the contestant in this contest as of the date of the filing of her plea of intervention on November 14, 1905, and that the second plea of intervention filed by Willie Bounds be allowed to stand as the first plea of intervention.

As to Chickasaw allotment contest No. 2298, the Office joins in the recommendation that it be reformed and amended by making Annie Lula Burris the contestee therein for the SE/4 of the SE/4 of the SE/4, less 3.08 acres for the right of way of the A. & C. Railroad, Section 4, T 6 S R 6 E, and that her application filed on November 14, 1905, be made effective as of that date, and that the plea of intervention filed by Willie Bounds on November 18, 1905, be amended so as to make her the contestant against Annie Lula Burris for this tract of land; also that the tract of land described in the application of Joseph P. Reardon, guardian for Annie Lula Burris, on November 14, 1905, described as the S/2 of the SW/4 of the NE/4; The SW/4 of the NW/4 of the NE/4 of Section 9; the SE/4 of the NE/4 of the SE/4, the SW/4 of the NW/4 of the

NE/4 of Section 8, T 6 S, R 6 E, be made effective as of November 14, 1905, and that the plea of intervention filed by Georgie Bounds on November 18, 1905, be referred so as to make her the contestant against Annie Lula Burris for the tract of land in question, and that this contest be docketed separately from Chickasaw allotment contests Nos. 2293 and 2298.

The Office further concurs in the recommendation and suggestion of the Commissioner that in the event of the final enrollment of Willie and Georgie Bounds, the three contest cases above described be consolidated and tried as one cause, without reference to any rights the several parties in interest may have seemingly acquired by reason of the erroneous allotment made to Rhoda Lavachubbe, deceased, upon the application of T.M. Dumas, administrator, on November 3, and November 15, 1904; also that the E/2 of the W/2 of the NW/4, Section 15, T 6 S, R 6 E, and the SW/4 of the SE/4 of the NE/4 of Section 20, T. 6 S R 6 E, for which application was made by Joseph P. Reirson, guardian of Annie Lula Burris, November 14, 1905, be made regular and the land designated as a part of the allotment of said Annie Lula Burris.

Very respectfully,

C.F. Larrabee,
Acting Commissioner.

EVL-McG.

7-5619.

Muskogee, Indian Territory, December 26, 1906.

Chief Clerk,
Choctaw Land Office,
Atoka, Indian Territory.

Dear Sir:

You are hereby advised that on December 12, 1906, the Secretary of the Interior authorized the cancellation of the enrollment of Rhoda Laweshubbe, whose name appears at No. 14835 upon the approved roll of citizens by blood of the Choctaw Nation. You are therefore authorized to cancel the enrollment of this citizen at this number upon the copies of schedules of citizens by blood of the Choctaw Nation in your possession and upon the letters transmitting said schedules.

There is also enclosed herewith for your information copy of Choctaw card No. 5619 Rhoda Laweshubbe for the purpose of making the duplicate card in your possession conform with the information thereon.

Respectfully,

AG-26-1

Acting Commissioner.

7-5619.

Muskogee, Indian Territory, December 26, 1906.

Chief Clerk,
Chickasaw Land Office,
Ardmore, Indian Territory.

Dear Sir:

You are hereby advised that on December 12, 1906, the Secretary of the Interior authorized the cancellation of the enrollment of Rheda Laweehubbe, whose name appears at No. 14835 upon the approved roll of citizens by blood of the Choctaw Nation. You are therefore authorized to cancel the enrollment of this citizen at this number upon the copies of schedules of citizens by blood of the Choctaw Nation in your possession and upon the letters transmitting said schedules.

There is also enclosed herewith for your information copy of Choctaw card No. 5619 Rheda Laweehubbe, for the purpose of making the duplicate card in your possession conform with the information thereon.

Respectfully,

AG-26-2

Acting Commissioner.

Choc 5620

Bartemus Tupper

5620

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRICKNORRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Chickasaw D-235.

Muskogee, Indian Territory, March 19, 1902.

Bartemus Tupper,

Antlers, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as citizen of the Chickasaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 8th day of May, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Chickasaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Register.

T. B. Needles.

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.

In the matter of the application of
Bartemeus Tupper for enrollment as a
citizen by blood of the Chickasaw
Nation.

---D 235---

On the 19th day of March, 1902, the applicant was notified by registered mail, and on the 20th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of Bartemeus Tupper for enrollment as a citizen of the Chickasaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 8th day of May, 1902, for final consideration.

Now, on this 8th day of May, 1902, this cause coming on to be heard pursuant to said notice, the Chickasaw Nation failed to appear, and the applicant being called failed to appear either in person or by attorney.

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Harry C Risteen being first duly sworn upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 8th day of May, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 13th day of May, 1902.

Charles H. Sawyer

Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ANTLERS, I.T. Dec. 4, 1902.

9-D235

In the matter of the application of Bartemeus Tupper for enrollment as a citizen by blood of the Chickasaw Nation.

Bartemeus Tupper being sworn testified as follows:

Examination by the Commission:

- Q Your name is Bartemeus Tupper? A Yes sir.
Q How old are you? A Twenty.
Q What is your post office address? A Antlers.
Q How long have you lived in the Choctaw Nation? A All my life.
Q Never lived anywhere else? A No sir.
Q What is the name of your father? A Thomas Tupper.
Q Is your father living or dead? A Yes sir living.
Q Is he an Indian? A Yes sir, he's Indian.
Q What tribe does he belong to? A Choctaw.
Q What is the name of your mother? A Elsie Tupper.
Q Is your mother living or dead? A Dead.
Q Was your mother an Indian? A She was Chickasaw.
Q When did your mother die? A I don't know; I was little when she died.
Q Were you ever enrolled by the tribal authorities of either the Choctaw or Chickasaw Nations? As a citizen of these Nations?
A By the Choctaws.
Q When was that? A I don't know; about 3 or 4 years ago; it was in '93.
Q Did you draw your share of the 1893 Leased District Payments?
A Yes sir.
Q How much money did you get at that time? A \$103.00.
Q You remember that time distinctly, do you? A Yes sir.
Q Where were you living when you drew this money? A In Cedar County.
Q Who were you living with? A Willie Ryakambi and Selina Ryakambi.
Q Who drew this money? A Willie Ryakambi.
Q Did you receive it for you? A Yes sir.
Q Did you receive it for it or did he? A He did.
Q Were you enrolled in 1896 on the census roll of the Choctaw Nation? A Yes, I believe I was.
Q Where were you living at that time? A Up there in Cedar County.
Q With these same people? A Yes sir.
Q Have you always been recognized and enrolled as a Choctaw Indian?
A Yes sir.
Q Were you ever enrolled as a Chickasaw? A No sir.
Q Are you married? A No sir.

Witness excused and R.S. Frasier called and sworn as a witness:

2--

Q what is your name? A R.S.Frazier.
Q How old are yo ? A Fifty one.
Q what is your post office address? A Spencerville.
Q You are a Choctaw Indian by blood? A Yes sir.
Q Are yo acquainted with this applicant, Bartemeus Tupper? A Yes sir.
Q How long have you known him? A About a little child; his mother died you know; lived right here in Cedar County.
Q what is the name of his father? A Thomas Tupper.
Q Was he a Choctaw Indian? A Choctaw.
Q What was the name of his mother? A I don't know that.
Q Do you know whether his father and mother were ever married? A No sir.
Q Do you know anything about this boy having been recognized and enrolled as a Choctaw or Chickasaw Indian? A I don't know.
Q Do you know wether he drew any money in 1893 as a Choctaw or Chickasaw? A I don't know; I guess he did though.
Q who raised this boy; who did he live with? A Selina Eyacombi. This boy's father was living in Jacks For k County and Selina adopted him under the law.
Q Did his father die? A I don't know sir.

Witness excused; and Turner Coleman called and sworn as a witness; R.S.Frazier acting as interpreter:

Q what is your name? A Turner Coleman.
Q How old are you? A Forty six.
Q What is your post office address? A Antlers.
Q Are you acquainted with this applicant, Bartemeus Tupper? A Yes sir.
Q How long have you known him? A When his mother died, Selina Eyakambi- she brought that boy up and he knew him.
Q What was the name of this boys' father? A Thomas Tupper.
Q Was he Indian? A Indian? Yes, Choctaw.
Q What was the name of his mother? A He heard it but he forget it.
Q Was she Indian? A Yes sir.
Q Choctaw or Chickasaw? A Chickasaw.
Q Was this boy always recognized as an Indian? A Yes sir.
Q Was he recognized as a Choctaw or Chickasaw? A His mother was Chickasaw.
Q do you know anything about this boy ever having been enrolled as a member of either the Choctaw or Chickasaw Nations? A He says he don't know about that.
Q Does he ever know if he ever drew any money as a member of either of those tribes? A He says he don't know whether he drew money or not but Willie Eyakambi drew it for him.
Q Does he know that Willie Eyakambi drew money for this boy in '93? A He syays he don't recollect whether he drew money or not; he heard it spoken about that he drew money.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had above and that this is a full, true and correct transcrip of his stenographic notes in same Dec. 4, 1902.

Subscribed and sworn to before me this 3/ day of *Dec* 1902.

Walter H. Sawyer

Notary Public.

Choc 5621

Frances Pisamotubby

5621

Department of the Interior.
Commission to the Five Civilized Tribes.
Antlers, Ind. Ter., December 5, 1902.

Choctaw
Original.

In the matter of the application of Frances Pisamotubby
for enrollment as a citizen by blood of the Choctaw Nation.

Frances Pisamotubby, having been first duly sworn, upon
her oath testifies as follows: (through John Taylor, duly sworn
Choctaw Interpreter):

Examination by the Commission:

- Q What is your name? A Frances Pisamotubby.
Q How old are you? A Fifty seven.
Q What is your post office address? A Kosoma, Indian Territory.
Q What was the name of your father? A Mishia.
Q Is he dead? A Yes, dead long time.
Q What was the name of your mother? A Heely Ann.
Q Is she dead? A Yes, dead long ago.
Q Did you draw your pro rata share of the 1893 Leased District
money? A Yes.
Q Was the money paid to you? A Yes sir.
Q Did you sign the pay roll? A I don't know exactly, but I
took the money and went out.
Q Who receipted for the money for you? A I don't know.
Q In what county did you live at that time? A Cedar County.
Q Have you ever been married? A Married, but my husband dead
long ago.
Q What was the name of your husband? A Charles Pisamotubby.
Q In what county of the Choctaw Nation do you now live? A Cedar
Q Have you always lived in Cedar County? A Yes sir.
Q Were you born in the Choctaw Nation? A Yes sir.
Q Did you ever have any children? A Just by myself, aint got no
children.
Q Do you know whether your name is on the 1896 Choctaw census roll?
A My name was always put down when they enrolled.
Q Did you ever make application to the Dawes Commission for enroll-
ment? A I was enrolled at Antlers.
Q How long ago was that? A About three years ago.

The name of Francis Pisamotubby is found on the 1893 Leased
District Payment Roll of Cedar County, Choctaw Nation, page
35, No. 327.

- Q With what family were you enrolled in 1899 by the Dawes Commis-
sion? A I was enrolled all alone by myself and under the name
of Frances Pisamotubby.
Q Was you ever known by the name of Frances Charles? A I don't
know.

(Applicant Excused)

Frances Pisamotubby-----2.

Eliza Norman, called as a witness, being first duly sworn upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Eliza Norman.
Q How old are you? A Sixty seven.
Q What is your post office address? A Antlers.
Q Do you know this applicant, Frances Pisamotubby? A Yes sir.
Q How long have you known her? A About ten years.
Q Did you ever know her under any other name than Frances Pisamotubby? A No sir.
Q Did you ever hear her called Frances Charles? A Sometimes.
Q Do you know that this is the same person who is sometimes called Frances Charles? A Yes sir.
Q Do you know if she drew her pro rata share of the leased district payment in 1893? A Yes sir.
Q Were you present when she got the money? A Yes sir.
Q Was the money paid to her? A Yes sir.
Q Did you draw your share of that money? A Yes sir.
Q Did you sign the book yourself or did somebody sign it for you?
A Ed Everidge signed for me.
Q Did Everidge sign the book for her too? A No, she signed it.
Q Has this woman always lived in Cedar County since you have known her? A Yes sir.
Q She has always been recognized as a Choctaw Indian? A Yes sir.
Q Do you know whether she appeared before the Dawes Commission in 1899 at Antlers? A I don't know.

(Witness Excused)

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This testimony has been taken for the purpose of identifying Frances Pisamotubby, whose name appears as stated above upon the 1893 leased district payment roll of Cedar County, but who does not appear under the same name upon any of the other records of the Commission.

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Harry C Risteen being first duly sworn upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 5th day of December, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 20 day of December, 1902.

J. L. Humphrey
Notary Public.

Choc 5622

Emiziah Behanan

Department of the Interior.
Commission to the Five Civilized Tribes,
Tushkahomma, I. T., December 12th, 1902.

Original
Choctaw

-----oOo-----

In the matter of the application of Emiziah Bohanan for enrollment as a citizen by blood of the Choctaw Nation.

Emiziah Bohanan being first duly sworn testified as follows

Examination by the Commission:

- Q What is your name? A Emiziah Bohanan.
Q How old are you? A Nineteen.
Q What is your post office address? A Dexter.
Q What county is that in? A Jacksfork.
Q How long have you lived in the Choctaw Nation? A All my life.
Q What is the name of your father? A Amos Bohanan.
Q Is he living or dead? A He dead.
Q When did he die? A Died a year ago September.
Q Was he a full blood Choctaw Indian? A Yes sir, full blood Choctaw Indian.
Q What is the name of your mother? A Lista.
Q Is she living or dead? A Dead.
Q When did she die? A About fourteen years ago.
Q Was your mother a full blood Choctaw Indian? A Full blood Choctaw.
Q Do you remember the payment made to the Choctaw Indians in 1893? A Yes sir.
Q Where were you living at that time? A Wade county.
Q Did you receive your share of that money? A Yes sir.

The name of the applicant, Emiziah Bohanan appears on the 1893 Choctaw leased district pay roll, Wade county, page 14, No. 140.

- Q Where were you living in 1896 when the census roll was made of the Choctaw citizens? A Wade.
Q Who was you living with at that time? A With my father.
Q Was your name put on that census roll? A I don't know.
Q Did you ever make application to this Commission for enrollment before the present time? A No sir.
Q Did your father ever make application for the enrollment of himself or you? A I don't know anything about it.
Q Where was your father three years ago when the Choctaw Indians enrolled before this Commission? A In Wade county.
Q Did he come up before the Commission at that time? A He was sick and didn't come.
Q Did any of your family come before the Commission at that time? A Byington Battice.

Emiziah Bohanan--2

- Q What kin is Byington Battice to you? A We have the same mother.
- Q Have you got any brothers or sisters? A Three sisters living.
- Q Give me their names? A Emma Bohanan and Kittie Bohanan and Emily.
- Q How old is Emma? A Fourteen.
- Q How old is Kittie? A About fifteen years old.
- Q How old is Emily? A About twenty-one.
- Q Are any of your sisters married? A Emily is married.
- Q What is her husband's name? A Thomas Hardy.

The applicant's half brother, Byington Battice, appears on Choctaw roll card, field No. 1870. His sister Catherine Bohanan appears on Choctaw roll card, field No. 1940. His sister Emily Hardy appears on Choctaw roll card, field No. 1936.

- Q Did your sister Emma draw her share of the 1893 leased district money? A Yes sir.
- Q Where was she living at that time? A Living at her father's.
- Q Where was Emma living in 1899 when the Choctaw Indians registered before this Commission? A Living at her father's.
- Q Where is she living now? A With Silas McKinney.

The name of the applicant's sister Emma Bohanan does not appear to have been listed for enrollment as a citizen by blood of the Choctaw Nation by this Commission.

- Q Where do you live at the present time? A Living with Silas McKinney.

Albert G. McMillan being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 12th day of December, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 20 day of December, 1902.

W. L. Humphreys
Notary Public

-:0:-

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHOCTAW LAND OFFICE.

-:0:-

Atoka, Indian Territory, March 3, 1905.

In the matter of the enrollment of Amziah and Emma Tasahaya, Choctaws by blood field card number 2138, approved roll numbers 6182 and 6183, respectively; and Emiziah Bohanan, Choctaw by blood field card number 5622, approved roll number 14838, and Emma Bohanan, Choctaw by blood field card number 5623, approved roll number 14839:

EMEZIAH BOHANAN, being first duly sworn, testifies as follows:

(Lewis G. Battiest, official interpreter)

Examination by the Commission.

- Q What is your name? A Emeziah Bohanan.
- Q What is your post office address? A Tuskahoma.
- Q What was your post office address before it was Tuskahoma?
A Dexter.
- Q How old are you? A 21.
- Q Are you a recognized and enrolled citizen by blood of the Choctaw Nation? A Yes, sir.
- Q What was the name of your father? A He used to have two names. He went great deal by the name of Amos Tasahaya, and also by Amos Bohanan.
- Q What was the name of your mother? A She died when I was little but I think her name was Listy.
- Q Did you have a sister named Emma? A Yes, sir.
- Q Was her father and mother the same as yours? A Yes, sir.
- Q And he was sometimes known as Amos Tasahaya? A Yes, sir.
- Q And he was also known as Amos Bohanan? A Yes, sir.
- Q Were you ever known by the name of Amziah Tasahaya? A No, I always go under the name of Bohanan.
- Q Was your sister ever known by the name of Emma Tasahaya?
A No, sir, she always was called Bohanan too.
- Q But your father was known as Amos Tasahaya? A Yes sir.
- Q Do you know who enrolled you in 1899? A I do not know whether I was placed on the roll then or not but I think it was my father that enrolled me. I think it was in 1902 when the Commission met at Tuskahoma and I was present there myself.
- Q You appeared before the Commission in 1902 at Tuskahoma and made application to be enrolled yourself? A Yes, sir I went before them there and was enrolled there.
- Q And did you give your name in at that time as Emiziah Bohanan?
A Yes, sir that was it.
- Q Did your sister, Emma, appear with you before the Commission at Tuskahoma in 1902? A She was living with another family at that time and she was enrolled with that family. Silas McKinney principally raised her and he placed her on the roll and also filed land for her.
- Q Silas McKinney made application for the enrollment of your sister, Emma Bohanan, before the Commission at Tuskahoma in 1902?
A Yes, sir.
- Q Were you and your sister, Emma, living with your father in 1899?
A Yes, sir we was then living with our father,

--2--

A And he died in the year 1900, and was principally raised
at Silas McKinneys.
Q Your father, Amos Tasahaya, died in the year 1900? A Yes, sir
Q How old is your sister, Emma Bohanan? A She was either 14
or 15 last December.

The name of Emeriah Bohanan, son of Amos Bohanan and
Lista Bohanan, appears on Choctaw field card number 5622,
approved roll number 14838. The name of Amziah Tasahaya,
son of Amos Tasahaya and Listy Tasahaya, appears on Choctaw
field card number 2138, approved roll number 6182.

The name of Emma Bohanan, daughter of Amos Bohanan and
Lista Bohanan, appears on Choctaw field card number 5623,
approved roll number 839. The name of Emma Tasahaya ap-
pears on Choctaw field card number 2138, approved roll num-
ber 6183.

W. H. Cunningham, being first duly sworn, states that
the above and foregoing is a full, true and correct transcript
of his stenographic notes taken in said cause on said date.

Subscribed and sworn to before me, this March 2, 1905.

W. H. Cunningham
Notary Public.

1r

Muskogee, Indian Territory, May 15, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

On November 12, 1902, the Commission to the Five Civilized Tribes had the honor to transmit for Departmental consideration a schedule constituting a part of the final roll of citizens by blood of the Choctaw Nation numbers 6005 to 7006 inclusive, copies of which have been heretofore returned approved by the Secretary of the Interior January 17, 1905.

We now have the honor to advise that on March 3, 1905, Richard Bohanan appeared before the Choctaw Land Office, Atoka, Indian Territory, and from his testimony at that time it developed that Richard Bohanan and John Bohanan opposite Nos. 14030 and 14031 are identical with John Bohanan and John Bohanan opposite Nos. 14032 and 14033 upon the schedule transmitted with our letter of November 12, 1902. For the information of the Department there is enclosed herewith copy of the testimony of Richard Bohanan of March 3, 1905.

We have therefore the honor to recommend that inasmuch as all persons have heretofore been selected for Richard Bohanan and John Bohanan Nos. 14030 and 14031 upon the approved roll of

2.

citizens by blood of the Cherokee Nation that the enrollment of
Amiah Tachaya and Samu Tachaya opposite Nos. 1142 and 1143 be
cancelled upon the schedules of citizens by blood of the Cherokee
Nation and the Commission's letter of transmittal of November 18,
1908, in the office of the Secretary of the Interior and the
Commissioner of Indian Affairs, and that the Commission be author-
ized to make like changes upon the schedules of citizens by blood
of said Nation and letters of transmittal in its possession.

Respectfully,

Chairman.

Commissioner.

Commissioner.

CHEROKEE 1142

Through the Commissioner
of Indian Affairs.

7-2138
7-8622
7-8623

Muskogee, Indian Territory, May 15, 1905.

Commissioner in Charge,
Choctaw Land Office,
Atoka, Indian Territory.

Dear Sir:

For the information of your office there is inclosed herewith copy of letter this day addressed to the Secretary of the Interior recommending the cancellation of the enrollment of Amashah and Emma Tashaya Nos. 6182 and 6183 upon the approved roll of citizens by blood of the Choctaw Nation.

You are therefore directed to withhold the issuance of citizenship certificates or the making of allotments to these persons until otherwise further directed.

You will be notified when the Commission is advised of Departmental action on this recommendation.

Respectfully,

Chairman.

MA 4-15

7-5158
7-5628
7-5823

Muskegee, Indian Territory, May 18, 1903.

Commissioner in Charge,
Chickasaw Land Office,
Ardmore, Indian Territory.

Dear Sir:

For the information of your office there is inclosed herewith copy of letter this day addressed to the Secretary of the Interior recommending the cancellation of the enrollment of Annah and Emma Tashaya Nos. 6182 and 6183 upon the approved roll of citizens by blood of the Choctaw Nation.

You are therefore directed to withhold the issuance of citizenship certificate or the making of allotments to these persons until otherwise further directed.

You will be notified when the Commission is advised of Departmental action on this recommendation.

Respectfully,

Chairman.

EP 8-15

OLA.

(Copy)

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

D.C. 28673-1905.
I.T.D. 6366-1905.
LRS.

June 7, 1905. LLB

Commission to the Five Civilized Tribes,
Muskeges, Indian Territory.

Gentlemen:

May 15, 1905, you transmitted your report dated May 15, 1905, enclosing a copy of the testimony of Emiziah Bohanan, relative to the enrollment of Amziah Tasahaya and Emma Tasahaya, whose names appear opposite Nos. 6182 and 6183 of list No. 7 of Choctaw roll of citizens by blood approved January 17, 1903, by the Acting Secretary of the Interior, showing that the said Amziah Tasahaya and Emma Tasahaya, so enrolled, are identical with Emiziah Bohanan and Emma Bohanan, whose names appear opposite roll Nos. 14838 and 14839 of list No. 16 of the Choctaw roll of citizens by blood approved May 20, 1903, by the Acting Secretary of the Interior, and to whom allotments of land have already been made. You are hereby authorized, as recommended by the Indian Office in its letter of May 26, 1905 (a copy of which is inclosed), to cancel from the Choctaw rolls the names of Amziah Tasahaya and Emma Tasahaya, opposite Nos. 6182 and 6183 of list No. 7 of the Choctaw roll approved January 17, 1903, by the Acting Secretary of the Interior, and also upon your letter of transmittal of November 18, 1902, in your possession.

Respectfully,

H. A. Hitchcock,

Secretary.

1 inclosure.

(COPY)

Refer in
reply to the
following:
Land.
18059-1905.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs.

Washington, May 26, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from the Commission to the Five Civilized Tribes, dated May 15, 1905, enclosing a copy of the testimony of Amiah and Emma Tashaya in the matter of their enrollment as Choctaws by blood.

The Commission states that on November 18, 1902, it transmitted for Departmental consideration a schedule constituting a part of the final roll of citizens by blood of the Choctaw Nation, numbered 6008 to 7006, inclusive, copies of which were returned approved by the Department January 17, 1903.

From the testimony, which is enclosed herewith, the Commission states that it developed that Amiah and Emma Bohanan, opposite numbers 14838 and 14839, are identical with Amiah and Emma Tashaya, opposite numbers 6182 and 6183. A copy of the testimony is enclosed herewith.

The Commission recommends that inasmuch as allotments have heretofore been selected for Amiah and Emma Bohanan, numbers 14838 and 14839 upon the approved roll of citizens by blood of the Choctaw Nation, the enrollment of Amiah and Emma Tashaya, opposite numbers 6182 and 6183, be cancelled upon the

-2-

schedule of citizens by blood of the Choctaw Nation, and also upon the Commission's letter of transmittal of November 18, 1902, and copy thereof, in this Office and the Department, and that the Commission be authorized to make like changes upon the schedule of citizens by blood of said nation and letters of transmittal in its possession.

It is therefore respectfully recommended that the schedule and letter of transmittal, and copies thereof, on file in the Department and this Office be corrected as recommended, and that the Commission be authorized to make like changes upon the schedule of citizens by blood of the Choctaw Nation and letters of transmittal in its possession.

Very respectfully,

C. F. Iarrabee,

Acting Commissioner.

CTC-Ma

Choctaw 8138
Choctaw 8622
Choctaw 8623

Muskogee, Indian Territory, June 14, 1905.

Commissioner in Charge,
Chickasaw Land Office,
Ardmore, Indian Territory,

Dear Sir:

There is inclosed herewith, for the information of your office, copy of Departmental letter of June 7, 1905 (I T D 6366-1905) authorizing the cancellation of the enrollment of Amiah and Emma Tasahaya, opposite Numbers 6182 and 6183 on the approved roll of citizens by blood of the Choctaw Nation, from the schedules of citizens by blood of said nation in possession of the Commission, and also from the copies of its letter of transmittal.

You will therefore cancel the enrollment of Amiah and Emma Tasahaya at Numbers 6182 and 6183 upon the schedules of citizens by blood of the Choctaw Nation and letters of transmittal in the possession of your office.

Respectfully,

AB 3-14

Chairman.

Choctaw 2138
Choctaw 5622
Choctaw 5623

Muskogee, Indian Territory, June 14, 1905.

Commissioner in Charge,
Choctaw Land Office,
Atoka, Indian Territory,

Dear Sir:

There is inclosed herewith, for the information of your office, copy of Departmental letter of June 7, 1905 (I T D 6366-1905) authorizing the cancellation of the enrollment of Masiah and Emma Tasahaya, opposite Numbers 6182 and 6183 on the approved roll of citizens by blood of the Choctaw Nation, from the schedules of citizens by blood of said nation in possession of the Commission, and also from the copies of its letter of transmittal.

You will therefore cancel the enrollment of Masiah and Emma Tasahaya at Numbers 6182 and 6183 upon the schedules of citizens by blood of the Choctaw Nation and letters of transmittal in the possession of your office.

Respectfully,

AS 3-14

Chairman.

Choc 5623

Emma Bohannan

5623

7-2134
7-5622
7-5623

Muskogee, Indian Territory, May 15, 1905.

Commissioner in Charge,
Chickasaw Land Office,
Ardmore, Indian Territory.

Dear Sir:

For the information of your office there is inclosed herewith copy of letter this day addressed to the Secretary of the Interior recommending the cancellation of the enrollment of Amiah and Emma Tashaya Nos. 6182 and 6183 upon the approved roll of citizens by blood of the Choctaw Nation.

You are therefore directed to withhold the issuance of citizenship certificate or the making of allotments to these persons until otherwise further directed.

You will be notified when the Commission is advised of Departmental action on this recommendation.

Respectfully,

Chairman.

EE 6-15

7-2138
7-5622
7-5622

Muskogee, Indian Territory, May 15, 1905.

Commissioner in Charge,
Choctaw Land Office,
Atoka, Indian Territory.

Dear Sir:

For the information of your office there is inclosed herewith copy of letter this day addressed to the Secretary of the Interior recommending the cancellation of the enrollment of Amash and Emma Tashaya Nos. 6162 and 6163 upon the approved roll of citizens by blood of the Choctaw Nation.

You are therefore directed to withhold the issuance of citizenship certificate or the making of allotments to these persons until otherwise further directed.

You will be notified when the Commission is advised of Departmental action on this recommendation.

Respectfully,

Chairman.

MS B-15

Choctaw 2136
Choctaw 5622
Choctaw 5623

Muskogee, Indian Territory, June 14, 1905.

Commissioner in Charge,
Choctaw Land Office,
Atoka, Indian Territory,

Dear Sir:

There is inclosed herewith, for the information of your office, copy of Departmental letter of June 7, 1905 (I T D 6366-1905) authorizing the cancellation of the enrollment of Amziah and Emma Tasahaya, opposite Numbers 6182 and 6183 on the approved roll of citizens by blood of the Choctaw Nation, from the schedules of citizens by blood of said nation in possession of the Commission, and also from the copies of its letter of transmittal.

You will therefore cancel the enrollment of Amziah and Emma Tasahaya at Numbers 6182 and 6183 upon the schedules of citizens by blood of the Choctaw Nation and letters of transmittal in the possession of your office.

Respectfully,

AB 8-14

Chairman.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tushkahomma, I. T., December 12th, 1902.

Choctaw
Original

-----oOo-----

In the matter of the application for the enrollment of
Emma Bohanan as a citizen by blood of the Choctaw Nation.

Silas McKinney being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Silas McKinney.
Q How old are you? A Going on fifty-three.
Q What is your post office address? A Tushkahomma.
Q Are you a citizen by blood of the Choctaw Nation? A Yes sir.
Q Have you got two minor children living with you named Emiziah and Emma Bohanan? A Emiziah don't live with me; he has just been staying with me--working for me, but Emma lives with me.
Q How long has Emma been living with you? A I don't know exactly, but I think about two years; I don't know exactly how long.
Q What is the name of the father of these children? A Amos Bohanan.
Q Is he living or dead? A He's dead.
Q What is the name of their mother? A I don't know their mother's name.
Q Are you the guardian of Emma? A Well, I am not hardly her guardian, but I have her to raise.
Q Was she given to you to raise by her father? A Yes sir, by her father.
Q Do you know anything about this child before she was given to you? A Well, I had seen her; I had seen her with her father at home.
Q She lived with her father up to the time of his death? A No sir. She lived with me about a year before her father died; he died afterwards.
Q She lived with her father up to the time she was given to you? A Yes sir.
Q Do you know where this family were living in 1893 when the leased district payment was made to the Choctaw Indians? A Let's see -- I believe I do if I study a while -- about three miles east of Albion.
Q In what county? A Wade county.
Q Do you know whether these children got their pro rata share of that money? A I know one of them did, one that was with me--Kittie.
Q Is Kittie a sister of Emma's? A Yes sir.

Emma Bohanan---2

- Q Do you know whether the names of these children were ever put upon the 1896 Choctaw census roll? A 1896? No sir, I don't; I guess Kittle was.
- Q How long has Kittle lived with you? A Oh, she's been with me about - I guess - it was in '92; I believe it was; anyhow, it was just a short time before that payment.
- Q Do you know whether any application was ever made to this Commission for the enrollment of Eniziah or Emma Bohanan?
- A No sir.
- Q Do you now wish to make application for the enrollment of Emma Bohanan as a citizen by blood of the Choctaw Nation?
- A Yes sir.
- Q Has she any guardian? A No sir.
- Q You are at present supporting her and she is living with your family? A Yes sir.

The name of Emma Bohanan appears on the Choctaw 1893 leased district pay roll, Wade county, page 14, No. 142.

- Q How many brothers and sisters are there in this family?
- A Living?
- Q Yes? A Four; there is three girls and one boy; they have got a half brother.
- Q Will you name these please? A Emily Hardy, Kittle Bohanan, Emma Bohanan--that's the girls--and Eniziah.
- Q What is the name of this half brother? A Byington Bohanan.

Emily Hardy appears on Choctaw roll card, field No. 1936; Catherine Bohanan appears on Choctaw roll card, field No. 1940; Byington Battice appears on Choctaw roll card, field No. 1870.

Albert G. McMillan being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 12th day of December, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 20 day of December, 1902.

J. L. Humphrey
Notary Public.

Choc 5624

Natsy Noel

5624

Original

Department of the Interior.
Commission to the Five Civilized Tribes.
South McAlester, Indian Territory.
December 22, 1902.

-:-

Original application for enrollment as citizens by blood
of the Choctaw Nation of Natay Noel for herself and her minor
child, Ellen Noel.

Natsy Noel being first duly sworn testified as follows:

Peter Maytubby interpreter.

Examination by the Commission:

- Q What is your name? A Natsy Noel.
Q What is your age? A Twenty-three years.
Q What is your post office address? A Blanco, Ind. Ter.
Q What is the name of your father? A Forbis Noel.
Q Is he living or dead? A Dead.
Q What is the name of your mother? A Celia Noel.
Q Is she living? A She is dead.
Q When did she die? A This month.
Q Did you draw your pro rata share of the 1893 Leased District
money? A Yes, sir.
Q In what county? A Tobucksey.

The name Nancy Noel is found upon the 1893 Leased District
payroll of Tobucksey County, page 54, No. 486. The name of
Nancy Noel is also found upon the 1896 Choctaw Census Roll,
page 243, No. 9607 as Natsy.

- Q Did you ever make application for enrollment to this Commission
before this time? A No, sir.
Q Are you married? A No.
Q Have you any children? A One Child.
Q What is the name of that child? A Ellen Noel.
Q Who was the father of Ellen Noel? A Gilbert Pickens.
Q When was the child born? A Born June 1899.

---:-

Chas Diffendaffer being first duly sworn states that
as stenographer to the Commission to the Five Civilized Tribes, he
reported the proceedings had in the above entitled cause, and that
the foregoing is a full, true and correct transcript of his steno-
graphic notes taken in said cause on said date.

Chas. Diffendaffer

Subscribed and sworn to before me this 3d day of January 1903.

Charles H. Hanger

Notary Public.

Wet

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central DISTRICT.

I, Narcissa Watson, on oath state
that I am 37 years of age; and am personally acquainted
with Nathey Noel; and know that on the
28th day of June 1899, there was born to
her a female child; that said child is now living and
said to have been named Ellen Noel.

*Witness
H. E. Sullivan
& a neighbor*

Narcissa ^{her} Watson
maie

Subscribed and sworn to before me this 28th day of

July 1903.

Geo. H. [illegible]
Deputy Public

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,)
Central DISTRICT.)

I, Garner Holmes, on oath state
that I am 24 5/7 years of age; and am personally acquainted
with Natsey Noel; and know that on the
28th day of June 1899 1900, there was born to
said a female child; that said child is now living and
said to have been named Ellen Noel.

Witness
A. E. Edleman
J. A. Weather

Garner Holmes
his
mark

Subscribed and sworn to before me this 28th day of

July 1903.

J. A. Edleman
Notary Public

Chief of Native Noel

CHOCTAW.

20

IN RE

Application for Enrollment of

INFANT CHILD

Ellen Noel

as a citizen of

Choctaw

Nation.

Approved

DEC 22 1902

190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

DEC 22 1902

[Signature]
ACTING CHAIRMAN.

CHOCTAW.

5624

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
 of Ellen Noel, born on the 20th day of June, 1900
 (Here insert name of child.)
 Name of Father: Gilbert Noel a citizen of the Choctaw Nation.
 Name of Mother: Natasy Noel a citizen of the Choctaw Nation.
 Post-office Blanco, D. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,
Central District.

I, Natasy Noel, on oath state that I am 23
 years of age and a citizen, by blood, of the Choctaw Nation;
 that I am the lawful wife of _____, who is a citizen, by
 _____, of the _____ Nation; that a female child was
 (male or female.)
 born to me on 20th day of June, 1900; that said child has been
 named Ellen Noel, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Natasy Noel
mark
J. A. Warner
Chas. D. Duffer

Subscribed and sworn to before me this 22nd day of December, 1900

T. C. Humphrey
 NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,
 _____ District,

I, _____, a _____, on oath state that I
 attended on Mrs. _____, wife of _____
 on the _____ day of _____, 1900; that there was born to her on
 said date a _____ child; that said child is now living and is said to have been
 (male or female.)
 named _____.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this _____ day of _____, 1900.

NOTARY PUBLIC.

Enc M. J. - 91
20

IN RE

Application for Enrollment of
INFANT CHILD

Allen Noel

as a citizen of

Choctaw

Nation.

Approved *[Signature]* OCT 24 1903 190

[Signature]
Commissioner.

proof of birth of child
for whose enrollment
application was made

Dec 22 1902

OCT 24 1903

7-6624

7-5624

BIRTH AFFIDAVIT.

20

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Choctaw Nation,
of Ellen Noel (Here insert name of child), born on the 28th day of June, 1899.
Name of Father: Gilbert Ricker a citizen of the Choctaw Nation.
Name of Mother: Natay Noel a citizen of the Choctaw Nation.
Post-office Blanco Ind Ter

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
District.

I, Natay Noel, on oath state that I am 23
years of age and a citizen, by blood, of the Choctaw Nation;
that I am the lawful wife of _____, who is a citizen, by
_____ of the _____ Nation; that a female child was
(Male or female)
born to me on 28th day of June, 1899; that said child has been named
Ellen Noel, and is now living.

WITNESSES TO MARK:

Natay Noel

Must be Two
Witnesses.

Subscribed and sworn to before me this 15th day of October, 1900.

Geo. Freeman
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
District.

I, _____, on oath state that I at-
tended on Mrs. _____, wife of _____
on the _____ day of _____, 1900; that there was born to her on said
date a _____ child; that said child is now living and is said to have been named
(MALE OR FEMALE)

WITNESSES TO MARK:

Must be Two
Witnesses.

Subscribed and sworn to before me this _____ day of _____, 1900.

NOTARY PUBLIC.

Muskogee, Indian Territory, January 27, 1903.

Wilson Frazier,

Blanco, Indian Territory.

Dear Sir:

It appears from our records that on December 23, 1902, at South McAlester, Indian Territory, Natsy Noel made personal application for the enrollment of herself and her infant child, Ellen Noel, as citizens by blood of the Choctaw Nation.

It further appears from statements made by Natsy Noel on that date that no one was present with her at the birth of her child.

It will be necessary that the affidavits of two disinterested persons who know of the birth of the child, and the fact that it is still living, be furnished the Commission in lieu of the affidavit of the attending midwife, for which purpose there are enclosed affidavits to be signed and sworn to by yourself and wife before a notary public who must affix his notarial jurat and seal to each separate affidavit.

If you or your wife are unable to write, and your signatures are by mark, two witnesses who are able to write their

V F 2

own names must attest the same.

Please have this matter attended to at once, returning the affidavit when properly executed in the enclosed envelope, which requires no postage.

Respectfully,

Env.

Acting Chairman.

Enc B I 80-95.

7-D-984
7 - 4752
7 - 5624

Lawson, Indian Territory, July 20, 1906.

Radlman & Graham,
Attorneys at Law,
Armore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 20th instant relative to the enrollment, as citizens by blood of the Choctaw Nation, of Stanton Kemp, his two minor children, Bennett and Sinie Kemp; and also of Naisy, Ellen and Jennie Neel.

It is stated in your letter that in 1896 when the Commission was listing the citizens of the Choctaw Nation for enrollment, Nellie Kemp, a full-blood Choctaw woman, was the divorced wife of Stanton Kemp, she having been previously married to a Choctaw by name of Neel, by which marriage two children were born to her, Naisy and Jennie Neel; that by her marriage to Stanton Kemp two children were born to her named Bennett and Sinie Kemp. You state further that Stanton Kemp and Naisy Neel have been enrolled by the Commission and their enrollment approved of by the Secretary of the Interior, but that you are informed the others are on the doubtful list, and you request to be advised what steps it will be necessary to take in order that they may be properly enrolled.

22

17-213

Muskogee, Indian Territory, July 29, 1905.

Amy Leftridge,

Harris, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your affidavit and that of Tilda Butler relative to the birth of your minor daughter, Isabelle Leftridge, June 21, 1897, and the same being in proper form have been duly filed with the records of the Commission as evidence of birth of the above named child.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, August 8, 1903.

Addleman & Graham,
Attorneys at Law,
Ardmore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 3rd instant enclosing affidavits of Aaron Holmes and Narcissa Watson relative to the birth of Ellen Noel, infant daughter of Natsy Noel.

It appears from our records that on December 22, 1902, at South McAlester, Indian Territory, Natsy Noel appeared before the Commission and made application for the enrollment of her infant daughter, Ellen Noel. In her affidavit in support of such application Natsy Noel states that Ellen Noel was born June 20, 1900; the affidavits of Aaron Holmes and Narcissa Watson state that the child was born June 28, 1899. If the affidavits of Aaron Holmes and Narcissa Watson are correct it will be necessary that Natsy Noel furnish the Commission with her affidavit showing that Ellen Noel was born June 28, 1899; and a blank for such purpose is enclosed you herewith, which you are requested to have properly executed and return to this office at your earliest convenience.

Respectfully,

Enc. M. 91

Commissioner in Charge.

7-5624

Muskogee, Indian Territory, October 24, 1903.

Middleman & Graham,
Attorneys at Law,
Adams, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 21st inst., enclosing the corrected affidavit of Natsy Noel as to the birth of her minor child, Ellen Noel, June 26, 1899; and the same being in proper form has been duly filed with our records in support of the application for enrollment of Ellen Noel as a citizen by blood of the Choctaw Nation.

It is impracticable to advise you how soon the name of this child will be placed upon a schedule of the citizens by blood of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Commissioner in Charge.

7-5624

Muskogee, Indian Territory, October 26, 1903.

Commissioner in Charge,
Choctaw Land Office,
Atoka, Indian Territory.

Dear Sir:

You are, hereby advised that the following notation has
this day been made upon original Choctaw enrollment card, No. 5624:

"No. 2 born June 28, 1899: Proof of birth
filed Oct. 24, 1903"

You are, therefore, requested to make like notation upon
the duplicate card in your possession in accordance with the above
information.

Respectfully,

Commissioner in Charge.

Choc 5625

Georgia Ann Noel

5625

2-142

5625
Choctaw #4336

Department of the Interior
Commission to the Five Civilized Tribes.
South McAlester, Indian Territory,
December 23, 1902.

-1-

Testimony taken for the purpose of identifying Georgia Anna Noel as having been enrolled by the tribal authorities of the Choctaw Nation as a citizen by blood.

Interpreter J. C. Hampton.

Wilson T. Frazier being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Wilson T. Frazier.
Q How old are you? A About thirty.
Q What is your post office address? A Blanco.
Q How long have you lived in the Choctaw Nation? A Born and raised here.
Q You are a recognized and enrolled citizen of the Choctaw Nation? A Yes, sir.
Q Are you married? A Yes, sir.
Q What is the name of your wife? A Lucy.
Q What was her maiden name? A Noel.
Q Was she ever married before she married you? A Yes, sir.
Q To whom was she married? A Johnson Noel.
Q Her name now is Lucy Frazier? A Yes, sir.
Q Was she ever married to any other man than this one? A No, sir.
Q Did she ever live with any other except you and Noel? A No, sir.
Q This child is a child by your wife? A Yes, sir.
Q Born before you married her? A Yes, sir.
Q How many children did Lucy have before you married her? A She had this one then married and one at home.
Q What was the name of the unmarried one? A Georgia Anna Noel.
Q How old was she at the time you married Lucy? A 9 or 10 years old.
Q When were you married to Lucy? A 1892.
Q Did you draw your pro rata share of the 1893 leased district money? A Yes, sir.
Q In what county? A Gaines.
Q Did you also draw the money for this wife Lucy and this child? A Yes, sir.
Q Did you sign the pay roll? A The woman went and signed the pay roll. When I was paid the money I signed the pay roll. The woman registered for the pay but I signed the pay roll, when the money was paid, for all three of us.
Q Is Georgia Anna Noel living now? A Yes, sir.
Q Whereabouts is she living? A At my home.
Q In what county?
Q Did you ever make application for the enrollment of yourself and wife to the Dawes Commission? A No, sir.

Choctaw #4910.

- Q You never made application to the Dawes Commission before? A No, sir.
Q Have you any children of your own? A No, sir.

S. H. Mackey being first duly sworn testified as follows:

- Q What is your name? A S. H. Mackey.
Q What is your post office address? A Savanna, Ind. Ter.
Q Do you know Wilson Frazier and his wife Eddy? A Yes, sir.
Q Do you know that they have a child in the family? A Yes, sir.
Q How old is that child to the best of your knowledge? A 8 or 10 years in 1892.
Q Is she a full blood Choctaw Indian? A Yes, sir.
Q Do you know of any application that has ever been made to the Commission for her enrollment? A No, sir.
Q Do you know whether she drew her pro rata share of the 1893 leased district money? A No, sir.
Q Where does this child now live? A With Wilson Frazier near Blanco.

Leon Pickens being first duly sworn testified as follows:

- Q What is your name? A Leon Pickens.
Q How old are you? A Thirty years.
Q What is your post office address? A Blanco.
Q Are you a full blood citizen of the Choctaw Nation? A Yes, sir.
Q Are you a recognized citizen of the Choctaw Nation? A Yes, sir.
Q Do you know Wilson Frazier and his wife Lucy? A Yes, sir.
Q How long have you known them? A Known the woman since she was a child.
Q What is the name of Lucy Frazier's father? A I don't know.
Q Do you know that Lucy Frazier had a child by the name of Georgia Anna? A Yes, sir.
Q Do you know whether she drew her pro rata share of the leased district money in 1893? A I don't know for sure but I think she did.
Q Is she living with Wilson and Lucy Frazier now? A Yes, sir.
Q Is she a full blood Choctaw Indian? A Yes, sir.

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled case and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said case on said date.

Subscribed and sworn to before me this 9th day of January 1903.

Chas. Diffendaffer
Charles H. Sawyer
Notary Public.

Original Del # _____

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
SOUTH McALESTER, INDIAN TERRITORY.
December 24, 1902.

In the matter of the application of Georgia Ann Noel
for the enrollment of herself as a citizen by blood of the Choctaw
Nation.

Applicant is not represented by attorney.

Georgia Ann Noel, being first duly sworn testifies as
follows:

Wilson Frazier, being duly sworn as interpreter:

Examination by Commission:

- Q. What is your name ? A. Georgia Ann Noel.
Q. How old are you ? A. About fourteen.
Q. What is your post office address A. Blanco, Indian Territory.
Q. What was the name of your father ? A. Johnson Noel.
Q. Is he living or dead ? A. Dead.
Q. What was or is the name of your mother ? A. Lucy Frazier.
Q. Is she living ? A. Yes.
Q. Did you draw your prorato share of the 1893 Leased District
payment money ? A. Yes, sir.
Q. In what County ? A. Gaines County.
Q. Do you know in what town ? A. Wilburton.
Q. Who got the money ? A. Wilson Frazier.
Q. You have always lived in the Choctaw Nation ? A. Yes, sir.

Wilson Frazier, being called and first duly sworn as a
witness, testifies as follows:

- Q. How old are you ? A. About thirty.
Q. What is your post office address ? A. Blanco.
Q. Have you always lived in the Choctaw Nation ? A. Yes, sir.
Q. Are you a full blood Choctaw Indian ? A. Yes, sir.
Q. Do you know this girl ? A. Yes, sir.
Q. Do you know her father and mother ? A. Yes, sir.
Q. Is she a full blood Choctaw Indian ? A. Yes, sir.
Q. Did you draw her share of the 1893 Leased District payment
money ? A. Yes, sir.
Q. What County ? A. Gaines.
Q. At what place ? A. Wilburton.
Q. Did you sign the pay roll for her money ? A. Yes, sir.

Fred V. Kinkade being first duly sworn on oath states;
that as stenographer to Commission to Five Tribes he reported in
full the proceedings hadin above cause; that the above and foregoing
is a true and correct translation of his stenographic notes.

Subscribed and sworn before me this 27 of December, 1902.

Fred V. Kinkade
Charles H. Kinkade
Notary Public

Choc 5626

Tom Anderson

2 Granted Nov 11, 1905

5626

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the enrollment
as a citizen by intermarriage of the Choctaw Nation of - - -

Alice Anderson.

7-5626.

7-5626.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory August 20, 1904.

In the matter of the application for the enrollment of
Alice Anderson as a citizen by intermarriage of the Choctaw Nation.

Alice Anderson being first duly sworn testifies as follows:

Examination by the Commission:

Q What is your name? A Alice Anderson.
Q What is your post office address? A Buck, Indian Territory.
Q How old are you? A Twenty-two.
Q Father and mother both white? A Yes, sir.
Q You don't claim any rights as an Indian by blood? A No, sir.
Q Claim as a citizen by intermarriage do you? A Yes, sir.
Q What is the name of the Indian through whom you claim your rights
as an intermarried citizen? A Tom Anderson.

Tom Anderson through whom the applicant claims is identified on Choctaw card #5626, along with herself, and is numbered 14842 upon the lists prepared by this Commission and approved by the Secretary March 20, 1903.

Q Where were you married? A Tuskahommah.
Q Choctaw Nation? A Yes, sir.
Q By whom? A Joseph James.
Q What was he? A Choctaw.
Q Minister of the Gospel? A Preacher.
Q When were you married? A April 19, 1897.
Q Where were you living at the time of your marriage? A Choctaw Nation.
Q Where was your husband living at that time? A He was living in the Choctaw Nation.
Q How long had he been living there? A Two years.
Q What was your maiden name? A Ridge.
Q There is on file with the Commission certificate of marriage between Tom Anderson and Allie Ridge, is that Tom Anderson your husband? A Yes, sir.
Q Allie Ridge is yourself? A Yes, sir.
Q Are you his firstwife? A No he was married before.
Q Since your marriage to Tom Anderson where have you lived? A In the Choctaw and Chickasaw Nations.
Q Continuously? A Yes, sir.
Q You haven't made your home any where else? A No, sir.
Q Have you both lived together as husband and wife since your marriage? A Yes, sir.
Q No separation abandonment or divorce? A No, sir.

Witness excused.

7-5626---2.

Tom Anderson being first duly sworn, as a witness, testifies as follows:

Examination by the Commission:

- Q What is your name? A Tom Anderson.
Q What relation are you to the applicant? A Husband.
Q You were married to her in April 1897 were you? A Yes, sir.
Q Where were you a resident of at the time of your marriage? A West of Tuskahomah.
Q In what nation? A Choctaw Nation.
Q Is she your first wife? A No, sir.
Q How many times were you married before you were married to her? A Once.
Q Who was your former wife? A Mary Jones.
Q Was she a Choctaw by blood? A Yes, sir.
Q Was she living at the time you were married to Alice Ridge, the applicant? A Yes, sir.
Q Were you divorced from her? A Yes, sir.
Q Where were you divorced? A In the Choctaw Nation.
Q By the tribal court? A Yes, sir.

In the matter of the application for the enrollment of your wife it will be necessary for you to furnish the Commission with a certified copy of the decree of divorce between you and your former wife Mary Jones.

- Q You have lived in the Choctaw and Chickasaw Nations since you were married to her? A Yes, sir.

Witness excused.

Chas. T. Difendafer being first duly sworn states that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Subscribed and sworn to before me this 27th day of August 1904.

Charles T. Difendafer
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
Tishomingo, I. T., September 8, 1904.

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7 - 5626

In the matter of the Application for Enrollment of
ALICE ANDERSON
As a citizen by intermarriage of the Choctaw Nation.

TOM ANDERSON, having been first duly sworn by Chairman Bixby,
testified as follows:-

Examination by the Commission:

- Q What is your name ? A Tom Anderson.
Q How old are you ? A I am thirty-one.
Q What is your postoffice address ? A Buck.
Q Are you a citizen by blood of the Choctaw Nation ? A I am a Chickasaw by blood but am enrolled as a Choctaw.
Q You have always lived in the Choctaw Nation ? A Yes sir.
Q Have you been on all the Choctaw tribal rolls ? A Yes sir.
Q You were enrolled by the Commission and approved by the Secretary of the Interior as a Choctaw ? A Yes sir.
Q What is the name of your wife ? A Alice Anderson.
Q Were you ever married before you married your present wife Alice Anderson ? A I was married one time but it never was recognized.
Q Were you ever actually and legally married before your marriage to Alice Anderson ? A No sir.
Q You were before the Commission at its office in Muskogee on August 20 of this year, were you not--about two weeks ago ?
A Yes sir.
Q You were asked the question at that time: "Was Alice Anderson your first wife?" You replied no, that you had been married once before then to a Choctaw woman named Mary Jones, but that at the time you married Alice Ridge you had been divorced from Mary Jones in the Choctaw tribal courts. How do you account for that statement ? A It never was recognized; I told them exactly how it was; I told them it nver was recognized.
Q You lived with a Choctaw woman named Mary Jones before you married this white woman ? A Yes sir.
Q How long did you live with her ? A Just a short time, I don't know just how long it was.
Q How long ? A I couldn't say, not but a few days.
Q Did you have any children by her ? A Yes sir, I have got one child; she had it adopted to her.
Q Was it your child ? A Yes sir, my child.
Q Did you recognize Mary Jones as your wife ? A No, but I recognized the child as my child.
Q Did you hold out to the community in which you lived that this woman was your wife; did you live together ? A Lived together; I don't know just how long it was; just a short time, two or three months or something like that.
Q When you wanted to leave this woman Mary Jones did you go to the tribal court ? A No sir.

- Q What did you mean when you said that you got a divorce in the tribal courts? A It never was recognized and I didn't think it was a legal marriage; I just called it a divorce. I didn't have no legal wife, I can prove that by a lot of people, never was legally married.
- Q You lived with her, did you not? A Yes sir, I lived with her.
- Q Did the people around there consider you as man and wife? A I don't know whether they did or not.
- Q What was the reason you separated from this woman Mary Jones? A She wasn't my lawful wife and of course I didn't see fit to live with her.
- Q Then how long was it before you married this woman Alice Ridge? A It was six or eight months, something like that; I don't know just how long.
- Q You knew Alice Ridge at that time? A Yes sir.
- Q Had you been going with her? A No, not going with her then.
- Q How do you account for the statement that you made at Muskogee two weeks ago that you were divorced from this woman by the tribal courts? A I didn't tell it that way.
- Q Here are the questions that were asked you and the answers you gave: "Who was your former wife? Mary Jones. Was she a Choctaw by blood? Yes sir. Was she living at the time you married Alice Ridge? Yes sir. Were you divorced from her? Yes sir. Where were you divorced? In the Choctaw Nation. By the tribal courts? Yes sir." Then the examiner told you it would be necessary for you to furnish the Commission a certified copy of the decree of court granting a divorce between you and your former wife Mary Jones. A I told him I couldn't get it, and he said just get some good responsible people and bring them there before him or before the Land Office at Atoka or Tishomingo on a certain date; that is all I could do. I swear on oath it can't be got nowhere. I was both and raised in the town of Jacksboro right close to Tuskahoma and I never was out of the Territory.
- Q Is Mary Jones living now? A No, she is dead.
- Q How long has she been dead? A Been dead now for about three years I believe it is; just about three years.
- Q Are her father and mother living? A No, I don't know her father and mother. She was married before she died.

By Guy P. Cobb, Esq., appearing for applicant:

- Q When you took up with Mary Jones was there any marriage ceremony performed by anybody at all? A It was supposed to be but it was never recognized under the Choctaw law. This was before a county judge and he wasn't qualified, you might say was holding the office illegally.
- Q How long did you live with Mary Jones? A I don't know just how long.
- Q About how long--about how many months? A Two or three months; I don't know just how long it was.
- Q Then you left her, or did she leave you? A She left me and went and married this Folsom McGee.
- Q Did she marry Folsom before you married Alice Ridge? A Yes sir.
- Q Do you know by whom she was married to Folsom McGee? A I don't know who married them.
- Q When did she die--before or after the supplemental agreement? A I believe it was before.

By the Commission:

- Q Who married you to Mary Jones ? A A fellow by the name of Billy.
 Q Billy what ? A Isaac Billy.
 Q Was he a Choctaw judge ? A Yes, he was a Choctaw judge but he was contested and he wasn't qualified; the election of the judge was contested.
 Q But he performed the marriage ceremony for you, did he ? A Yes.
 Q You and Mary Jones both understood that you were married at that time, did you not ? A That was the way I understood it; I don't know how she understood it.
 Q What did the people generally think in the community--that you were man and wife ? A They didn't think it amounted to anything, none of the people.
 Q What did the people in that community think about it after you and Mary Jones were married ? A I don't know.
 Q Did you live together ? A We lived together awhile.
 Q At your house or her house ? A It was my father's house.
 Q You lived with her about three months and had one child by her ?
 A Yes sir.

By Mr Cobb:

- Q When you separated was there any court proceeding of any kind at all ? A No.
 Q What did you mean when you testified at Muskogee that there was a divorce ? A In one sense I didn't really understand the meaning of the word, how it was. They asked me the question and I answered yes because it never was recognized.
 Q What wasn't recognized ? A The marriage never was recognized.
 Q Was Mary Jones remarried before or after you married Alice Ridge ?
 A Before.
 Q By whom was she married, by a Choctaw judge ? A I don't know; I believe though it was by a licensed preacher named Bailey; I am not certain.
 Q Did she have any children by McGee ? A Yes, one little girl.
 Q Is that child living ? A No, it died not long ago.
 Q Is the child you had by her living ? A Yes sir.
 Q What is that child's name ? A Buster Anderson. She had the child adopted to her and of course when she died I got the child.
 Q Did you say Mary had a child by McGee ? A Yes sir, Susie McGee. Folsom had two children of his own and after he married Mary they had a little girl named Susie, I believe that was her name. She died not long ago.
 Q Do you know under what name the child was enrolled ? A Enrolled as McGee, I reckon; they enrolled her.
 Q At the time you began living with Mary Jones, were you or not legally married to her ? A I wasn't legally married.
 Q When you quit living with Mary Jones did she or you take any steps of any kind to get a separation ? A No sir.
 Q Did she or you consider any divorce or any legal steps for separation necessary ? A No sir.
 Q Did she remarry without taking any steps to secure a legal separation from you ? A I don't know, because I wasn't around there then.
 Q Do you know whether or not she did remarry ? A I know she married.
 Q When did she marry ? A Folsom McGee.
 Q Did she marry him before or after you married Alice Ridge ?
 A Before I married.

- Q So far as you know, were any steps ever taken to procure a legal separation from you; that is to say, were you ever called into court or did you have anything to do with a divorce proceeding ?
A No sir.
- Q Do you know of your own knowledge whether or not Mary Jones ever considered herself your legal wife ? A No sir, I do not.
- Q Do you know whether or not when she left you she made any representation that she was or had been your legal wife ? A No sir, I do not.
- Q Do you believe that she considered herself your wife at any time while you lived together ? A I couldn't say; I don't know.
- Q Do you believe that she considered herself your legal wife, or not ? A No, I don't suppose she did.

Mr Cobb:

I would like to call attention to the records of the Commission showing that Mary Jones appears on the rolls as the wife of Polson McGee and as the mother of Sophie McGee, who appears to have been born in June, 1898.

By the Commission:

- Q You say you were not legally married to Mary Jones ? A No sir.
- Q What made you think you were not legally married to her ? A Just as I said before.
- Q You didn't say it very definitely: I want to know what made you think you were not married to her legally. You were married by a Choctaw judge, were you not ? A Yes, but he wasn't qualified.
- Q You say you did live with her three months, and had a child by her ? A I said about three months; I don't know for certain.
- Q She had a child by you, did she ? A Yes sir.
- Q Did you not say you were married to her by Isaac Billy, a Choctaw judge ? A Yes sir.
- Q Why was not that a legal marriage ? A Because he wasn't qualified as a judge. The way it was, he was contested and got beat out of it.
- Q He was acting as a judge when he married you, wasn't he ?
A Supposed to have been.
- Q Did you ever get a divorce from her ? A No sir.
- Q Did she ever get a divorce from you ? A No, I don't suppose she did.
- Q Have you any witnesses here who were present when you married Mary Jones ? A No.

W J Jones on oath states that he reported the testimony taken in the matter of the application for enrollment of Alice Anderson as a citizen by intermarriage of the Choctaw Nation, at the Chickasaw Land Office, Tishomingo, I.T., on September 8, 1904, and that the foregoing is a true and correct transcript of his stenographic notes taken in said matter.

Subscribed and sworn to before me this
the 10 day of September, 1904.

[Signature]
Notary Public.

In the matter of
Alleged Indian
to be enrolled
as intramural
Choctaw Indian

Brief of
Applicant

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 13 1904

 CHAIRMAN.

J. Keenan
att'y

1

Tishomingo, Ind. Ter., Oct 11th 1904

To The Commission of the Five
Civilized Tribes.

Muskege, I. T.

It is respectfully submitted in the matter
~~of the application~~ of Alice Anderson to
the Commission as was submitted Cherokee
Indian.

That the record fails to show that her
husband Tom Anderson had not
been legally married before his
marriage to applicant over 7 years
ago. Therefore no divorce was necessary.
It is true, Tom Anderson the husband
of applicant in his examination in his
~~examination~~ spoke of his former wife
but at the same time testified that the
woman alluded to was his legal wife
and no proof whatever has ever been
adduced to show that the woman he
formerly lived with was not the wife
of Tom Anderson the husband
of applicant Alice Anderson.

Tishomingo, Ind. Ter., 190

As where in the record does it appear that the husband of applicant Alice Anderson was ever legally married to any other person except the maiden of the name of the woman he at one time lived with. as his wife would he explains that in his testimony. Hence applicant's marriage to the Choctaw Indian, Turner Anderson being according to the forms of law & its legality not called in question.

I do not ask that the applicant Alice Anderson be annulled as an intermarried Choctaw Indian.

Respectfully,
J. Shepard,
Att. for Applicant

On the matter
of the application
of Alice Anderson
Intervenor
Chetano.

Affidavit
of
Ruth
Jefferson

DEPT. OF THE INTERIOR,
FIVE CIVILIZED TRIBE
JAN 11 1873

REV 21 1873

CHAS. C. CHASE

Commerce I. J. 17th Jan
This day James appeared before
me. He is the father of a full blood
Choctaw Indian age 2 years. Office
Commerce Chickasaw Nation who
being by me first duly sworn
made oath as follows.

I am the sister of James Anderson
and remember very well the time
my brother lived with Mary Jones
at Mullis Jones as we called her.

I remember that they lived
together in Jacks Fork in Choctaw
Nation but they were claimed
to be married because Mullis
Jones was already married to
a man by the name of Jones.
and she left him & lived
with Tom for a while I don't
know how long I lived
with my brother at the time
he was living with this woman
Jones. I was about 11 years old
but I remember very well that
they were not married for
the woman Mullis Jones may
have got a divorce from her
husband. Mullis Jones is
dead she died about 18 years

ago. At the time of her death she was
living in New York in the Christian
mission. All the facts testified in
the affidavit are true. I have no
interest in this matter Rutha Jefferson

Sworn to and
subscribed before
me this 18th day of May Public
of New York. J. Linton Dennis
J. L.

My Commission expires
Feb 28th 1907.

In the matter
of the application
of Alice
Anderson

~~County Commissioner~~
Christen

Affidavit
of Alice
Anderson

U. S. DEPT. OF THE INTERIOR,
COMMISSIONER OF THE FIVE CIVILIZED TRIBES
FILED

NOV 21 1904

Commercial St. th
(Nov 17 1904)

This was personally appeared
before me J. W. Madison a notary Public
for the Southern District of
Mrs. Eliza Anderson, full blood
Cherokee Indian who after being
asked sworn by me says.

my best friend
I tell the world that Commercial
Mrs. Chastain Nelson that
she is 59 years and is the step
mother of Perry Anderson
affiant says that she was well
acquainted with Miller Jones
that she was a full blood Cherokee
woman. that before she lived
with my step son, she was
married to one Jones. and that
after she separated from her
husband she took up with my
step son & lived at his house
for awhile. I do not know
how long but she never
claimed him as her husband
for she had never got a
divorce from her first
husband. affiant further
says that a long time before
Mary Jones died she went

living with Dan. affiant says that she
does not know where Mary Jones
went to after she left Tule. Anderson
my step. & my. Mary Jones is now
dead. she died about 14 years
ago. she was living in Luck Fork
Choctaw Nation at the time of her
death. Affiant says that she has no
interest in this matter and the facts
stated in this affidavit are true
and correct

Elsie Anderson
mark.

Subscribed before
me this 17th day of
Nov. 1904

J. M. Mason
Notary Public

On the matter of
the application of
Alice Anderson
untransmitted
Chester

Off. Secy. &
Don Whittle

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FILED

NOV 21 1904

J. CHAIRMAN

Commissioner Nov. 17th 1804
Before me J. W. Mason
Notary Public for the District
Chickasaw Nation this
day personally appeared
Abra. Whittle who being
by me first duly sworn
says that she is a full blood
Choctaw Indian and
that her past office is
Commissioner Chickasaw
Nation. Affiant says she
is about 25 years old
and that she is the sister
of James Shedderson
Spring says ago. Affiant
her brother took up with
one Mallie James a full
blood Choctaw woman
who at the time she lived
with my brother was already
married to a man of the
name of James. But
she left him and lived
with James but was not
married to him. Says
Shedderson & this Choctaw
woman James lived
in the Choctaw Nation

But the greater portion of
the time they lived together
was in Dick Lusk Choptain
Katie's affidavit says further
that she knew this woman
Mollie or Mary Jones well
and that whilst they lived
together it was near the home
of her father who at that
time was living in the Choptain
Katie's affidavit says her
father is dead & that often
in his life time he would
tell her son he ought to not
live with this woman. For
he was not married to her
Katie's affidavit says she has
no interest in this matter
& that the facts herein sworn
in are correct & true.

Dora Whistler.

Sworn to and
subscribed before
me this 14th day
of Nov 19th
1904

J. W. Mason
Notary Public

Attest my hand & office Feb 25 1907

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory, July 3, 1905.

In the matter of the application for the enrollment of
Alice Anderson as a citizen by intermarriage of the Choctaw Nation.

Applicant represented by S. Heard of Tishomingo, Indian
Territory.

COMMISSION.

Tom Anderson, being duly sworn, testified as follows:

- Q. What is your name? A. Tom Anderson.
Q. How old are you? A. I will be 33 years old the 29th. of
this month.
Q. Where do you live? A. Buck, Indian Territory.
Q. Are you a citizen by blood of the Choctaw Nation? A. Yes sir

(Witness is identified as Tom Anderson on the approved roll
of citizens of the Choctaw Nation -- No. 14842.)

- Q. Are you the husband of the applicant in this case, Alice Anderson? A. Yes sir.
Q. When were you married to Alice Anderson? A. In the year of
1897 I believe it was.
Q. You have lived with her continuously since 1897? A. Yes sir
Q. She is living now? A. Yes sir.
Q. Were you ever married prior to your marriage to Alice Anderson?
A. No sir.
Q. You testified before the Commission at Muskogee, on August 20,
1904, that prior to your marriage to your present wife you had
been married to a Choctaw Indian woman by the name of Mary
Jones -- that you were divorced from her at the time of your
marriage to Alice Ridge -- and that you obtained your divorce
in the tribal court at Tishomingo. On September 8, 1904, you
testified that you were married to Mary Jones, an Indian woman,
by Isaac Billy, a Choctaw Judge. In the face of these things,
how do you make your statement that you were never married prior
to your marriage to Alice Ridge? A. I don't know how that
was.
Q. Did you ever live with this Choctaw woman, Mary Jones? A.
Yes sir.
Q. Where did you first begin to live with her? A. Here near
Hartshorne.
Q. When? A. It must have been somewhere in 1895 and part of
1896. I don't know just when it was, but somewhere along there.
Q. Was there ever any marriage ceremony performed between you and
Mary Jones? A. No, not Mary Jones.
Q. Didn't Isaac Billy, a Choctaw Judge, preside at a marriage
ceremony between you and this woman? A. No, Isaac Billy did
not perform any marriage ceremony.
Q. Was there any ceremony? A. No sir.

- Q. What did you mean by your testimony of September 8, 1904, that you were married to Mary Jones by Isaac Billy? A. I don't know.
- Q. You testified to that effect at Tishomingo, on September 8, 1904 --- that you had been married to Mary Jones by Isaac Billy, a Choctaw Judge? A. I don't remember what I did testify to then. That is a fact.
- Q. How long did you live with this woman, Mary Jones? A. I couldn't say just exactly how long it was. I haven't got the date of it, but I know I wasn't living with her in May, 1896 -- I wasn't living with her then at all.
- Q. How long did you live with her? A. I don't know just how long it was. I couldn't say.
- Q. Did you live with her a day, or a month, or a year? A. Yes sir, it must have been a year.
- Q. Did you have any children by her? A. Yes sir.
- Q. What is the name of that child? A. Buster.
- Q. Buster what? A. They enrolled him as Buster Anderson.
- Q. You had the child enrolled yourself, did you not? A. No, its mother did. She had it adopted to her by the tribal court as a lawful child.
- Q. Didn't you recognize that child as your child? A. After the mother died I went and took him and sent him to school.
- Q. Where is that child now? A. In the Chickasaw Nation at school.
- Q. You recognize that child as your legitimate child now? A. I took him up. There was nobody to take care of him.
- Q. During this year that you lived with Mary Jones where did you live? A. For two or three months we lived near Hartshorne, and part of the time we lived near Tuskahoma.
- Q. Did you have a house of your own? A. No.
- Q. Who did you live with? A. Part of the time with my father, and just first one place and then another.
- Q. You lived with this woman as your wife, and had this child, Buster Anderson who everybody recognized as your legitimate child? A. I don't know about anybody recognizing it as mine.
- Q. Is this woman, Mary Jones, living now? A. No, she died three years ago.
- Q. After you separated from her and left her didn't you apply to the tribal courts for a divorce? A. No sir, I didn't.
- Q. What did you mean by your statement in your testimony before the Commission in August, 1904, "that you had been divorced from Mary Jones in the Choctaw Tribal Courts"? A. She applied for a divorce, but it wasn't in 1904. It was in 1906 --- I mean 1896 -- she applied for a divorce.

MR. HEARD:

- Q. You say this woman, Mary Jones, obtained a divorce in the tribal courts in 1896? A. Yes sir.
- Q. Was that from you? A. No, from John Jones.
- Q. Was that the husband she had before she had you? A. That was the husband she had when I was living with her.

COMMISSIONER:

- Q. You understand, do you, that you are under oath? A. Yes sir.
- Q. You have testified several times before this Commission under oath, have you not? A. Yes sir.

COMMISSION:

- Q. How long had you been living with Mary Jones when she obtained this divorce from her former husband? A. I don't know just how long --- several months.
- Q. Was Mary Jones ever divorced from you? A. Not that I know of. She never obtained any divorce from me.
- Q. Did you ever apply for a divorce from Mary Jones? A. No sir I never applied for a divorce from Mary Jones.
- Q. You are fully aware of the inconsistent statements you have made here, are you not -- the contradictory statements you have made? A. I do not remember what kind of statements I made at Tishomingo. I was drunk -- me and Cobb both, then.
- Q. You have stated here, under oath, this morning that you were never married to Mary Jones -- that there was never any divorce between you. On August 20, 1904, you testified before the Commission that you were married to Mary Jones, a Choctaw woman, before you married Alice Ridge; and that at the time you married Alice Ridge you had obtained a divorce from Mary Jones in the Choctaw Tribal Courts. On September 8, 1904, you testified that you were married to Mary Jones by Isaac Billy, a Choctaw Judge; that at the time the marriage ceremony was performed you and Mary Jones both understood that it was a marriage ceremony, and that after the ceremony you and Mary Jones lived together as husband and wife, and that you had one child by her. What explanation have you to make of these contradictory statements? A. It must have been that I meant that she applied for a divorce from Jones.
- Q. At the time you testified with reference to the divorce there was no question about Mary Jones' marriage to her former husband. The question was asked you direct ---and your testimony was as follows ---"Q. How many times were you married before you were married to Alice Ridge? A. Once.
- Q. Who was your former wife? A. Mary Jones.
- Q. Was she a Choctaw by blood? A. Yes sir.
- Q. Was she living at the time you were married to Alice Ridge? the applicant? A. Yes sir.
- Q. Were you divorced from her? A. Yes sir.
- Q. Where were you divorced? A. In the Choctaw Nation.
- Q. By the Tribal Courts? A. Yes sir". The Commission notified you at the time that it would be necessary for you to furnish the original or a certified copy of the decree of divorce between you and your former wife, Mary Jones. What explanation have you to make of that statement? A. I haven't any, only that I say I wasn't married to her.
- Q. How did you come to make this statement that you were married to her, and were divorced from her? What explanation have you to make of that?
- (Witness declines to answer.)
- Q. On September 8, 1904 your testimony was as follows:
- Q. Who married you to Mary Jones? A. A fellow by the name of Billy.
- Q. Billy what? A. Isaac Billy.
- Q. Was he a Choctaw Judge? A. Yes sir, he was a Choctaw Judge, but he was contested and was not qualified. The election of the Judge was contested.
- Q. But he performed the ceremony for you, didn't he? A. Yes sir.
- Q. You and Mary Jones both understood that you were married at that time, did you not? A. That was the way I understood it." How do you explain that statement? A. I suppose -- I

expect I made that statement during the time I was drunk, as I told you. I don't know what statements I made at that time. I don't know more than half of what I said then.

COMMISSIONER:

- Q. Have you been out of your mind? A. I was drunk as I could be when they put me up there.
- Q. Do you mean to say that when I took your testimony at Tishomingo you were too drunk to know what you were doing? A. Yes sir.
- Q. You answered the questions directly and clearly -- the record shows that you did? A. It may be.
- Q. That is a mighty poor excuse. Is it not a matter of fact that you find you have gotten yourself into a tangle and are endeavoring to excuse yourself by claiming that you were intoxicated, so as to try and offer a plausible excuse? A. No sir.
- Q. Do you mean to say that the Commission took your testimony at Tishomingo when you were in such a condition that you did not know what you were saying? A. I didn't say they took it when they knew I was in that condition, at all.
- Q. Was the Commissioner drunk, too? A. I don't know.
- Q. Do you know who the Commissioner was? A. I was before you.
- Q. You say Cobb was drunk, too? A. He wasn't very straight.
- Q. Cobb was drunk, and you were drunk, and you don't know whether the Commissioner was drunk or not? A. I have no right to say that he was.

COMMISSION:

- Q. What explanation have you to make of the statements made here at Muskogee on August 20, 1904? A. I haven't any.

COMMISSIONER:

- Q. Was you drunk then? A. I was not very sober then.
- Q. You are sober now, are you? A. Yes sir.

Witness interrogated by S. Heard.

- Q. Tom, Mr. Bell and Mr. Bixby want to know about these conflicting statements, and that is why I brought you up here -- to make the best explanation you could. You say this woman was married at the time you lived with her? A. Yes sir.
- Q. Did you send a copy of that divorce up here any time lately? A. Yes sir, I did.
- Q. And you say, also, that it might have been, in explanation of your contradictory statements, that you referred to that divorce that she had got from her former husband? A. Yes sir.
- Q. Before you married Alice Ridge she had gotten a divorce from her former husband, had she? A. Yes sir.

(COMMISSIONER --- Who do you mean by "she"? A. Mary Jones)

- Q. A copy of this divorce is on file here? A. Yes sir.
- Q. There is one question that I want to ask you, and it is this, Tom ---after studying the matter over a little more can you give any reason why -- did you regard --- was it your opinion at the time you lived with her that it was a marriage, and was that the reason you testified that you were married to her -- was that your opinion of the relation between you and Mary Jones ---did you think there was a marriage? A. I wouldn't say that it was a marriage. People sometimes live ten years as man and wife, and lots of them claim it as a marriage. I don't know as I would say this was a marriage.
- Q. It is a fact then that at the time you lived with her --- if it

is a fact that you had married her legally, was it a fact that she was married at the time you lived with her? A Yes sir.

Q. Who was the husband? A. John Jones.

Q. Was he a Choctaw? A. No, a white man.

Q. Did you ever see him? A. Yes sir, lots of times.

Q. Did he know you were living with his wife at the time? A. I expect he did.

Q. Do you know where he is now? A. I do not know.

Q. The best of your recollection is that you lived with her about '96? A. It was probably the first part of '96 -- along there.

Q. Are you a full blood Choctaw? A. No sir.

Q. Are you acquainted with the laws of the United States? A. No sir.

Q. Were you afraid or apprehensive of any trouble to you if you testified to having lived with this woman without marrying her?

(COMMISSIONER -- That question is too leading. We want to get at the truth of this matter, but we don't want the witness led that way.)

Q. What was the interval of time between your examination up here and at Tishomingo? Did Mr. Cobb appear for you then? A. Yes sir.

Q. Had you and Mr. Cobb both been drinking that morning? A. Yes sir.

Q. I believe you stated that you were under the influence of liquor at the time you were before the Chairman? A. Yes sir.

Q. You do not deny, of course, the making of those statements, but you say you do not recollect how you testified at that time. Do you have any recollection of what you did testify to at that time? A. Not all of it.

COMMISSION:

Q. How old is Buster Anderson at this time? A. I don't know just exactly how old he is. I haven't got the record of his age.

Q. Is he 5, 10, 15, or 20 years old? A. I don't know exactly, but he must be 8 or 9 years old -- somewhere along there. I haven't got a record of it. I even never enrolled him.

Q. How long after you first began living with this woman, Mary Jones, was it till this child was born? A. I couldn't say. I don't know.

Q. When did you begin living with Mary Jones? A. I don't know just what time it was.

Q. What year was it? A. I even don't know that. I never kept track of it. I never paid any attention to it.

Q. When was Mary Jones divorced from her former husband? A.

I think it was at the May term of Court, 1896 -- I think it was

Q. Had you been living with Mary Jones before then? A. I had been living with her before then.

Q. After this divorce was granted by the Choctaw Tribal Court to Mary Jones from her former husband, was there any marriage ceremony performed between you and Mary Jones? A. No sir.

Q. What was the alleged ceremony that took place between you and Mary Jones, when Isaac Billy presided? A. I don't know.

Q. Do you know what year this is? A. 1905, is it not?

Q. You say this child, Buster Anderson, is about 9 years old now? A. He must be about that old -- I don't know just how old he is.

COMMISSIONER:

- Q. Where were you living in 1896? A. I was living about 12 miles west of Tuskahoma at that time.
- Q. Do you remember when the Dawes Commission first went to work in this Territory, and received applications for citizenship, under the Act of 1896? A. No, I do not.
- Q. Where was it that you and Mary Jones went before Isaac Billy and had a ceremony performed -- what place was it? A. I don't know.
- Q. You know that you did that, didn't you? A. No, I don't. No I -----
- Q. Look here, Anderson, you are trying to keep something back from this Commission. It is not possible that you would forget whether or not you had been married to a woman, unless you had been insane during that period. A man cannot forget a thing like that. Now tell us about it. Did you or did you not ever go before Isaac Billy with Mary Jones and have some sort of a ceremony performed that pretended to be a marriage ceremony? A. I made my testimony awhile ago that I did not, didn't I?
- Q. I am not answering your questions. Did you or did you not? A. No.
- Q. You never did go before Isaac Billy with Mary Jones and have some sort of a ceremony performed? A. No.
- Q. You testified, at Tishomingo in September, 1904, in answer to direct questions, pointedly that you were married to Mary Jones by Isaac Billy, did you not? A. If I did I do not remember it.

MR. HEARD:

- Q. Do you state as a fact, Tom, that at the time you commenced living with this woman, or was married to her -- whichever way you put it, that she had a living husband? A. Yes sir.
- Q. And did she get a divorce from Jones while you were living with her? A. I was not living with her when she got it.
- Q. She got it after you quit living with her? A. Yes sir.

COMMISSIONER:

- Q. She got the divorce while you were living with her, and you lived with her after she got the divorce? A. No, I wasn't living with her when she got the divorce.
- Q. But you did live with her after she got it? A. No, she was living with a man by the name of McGee.
- Q. Did you ever live with her after she got the divorce? A. No sir.
- Q. She got this divorce in 1895, and you have already testified to the effect that you lived with her after that? A. I testified that it might have been the first part of 1896. I wasn't certain.

MR. HEARD:

- Q. You say at the time she got the divorce that she was living with McGee. Do you know whether they were married or not? A. They said they were married.
- Q. Do you know under what name she was enrolled? A. I expect she was enrolled as McGee, for the children they had were enrolled as McGees.
- Q. McGee lived with her after she got the divorce? A. Yes sir.
- Q. Did you live with her at the time McGee was living with her--- did you go to the house, and did McGee go to the house at the same time -- were you going to her house -- living with her --

--7--

at the time she was living with McGee? A. No, I wasn't living within 25 or 30 miles of her then.

MR. HEARD: STATEMENT.

Admitting ---

COMMISSIONER:

In the first place, I call your attention to the fact that there have been several attorneys mixed up in this affair, and each tries a different theory. When one doesn't pan out satisfactorily, then they try another one.

MR. HEARD)) He told me that he had never had ---

Commissioner --- Mr. Becker of South McAlester has been in the case

MR. HEARD --- I want to say this in connection with my connection with the case. I have just this suggestion to make to the Commission. The testimony shows--- taking for granted that he has sworn falsely -- we will say that he was married to her by Isaac Billy or by a common law marriage, it was found, under the testimony, that she was married at the time he was living with her; that subsequent to a divorce, if he lived with her, does not make a marriage a legal marriage. That is the point I want to call the attention of the Commission to.

COMMISSIONER -- You are aware, are you not, that Mr. Cobb and Mr. McKennon appeared for the applicant?

MR. HEARD --- I conferred with you about that, and asked when I could bring him up here. I don't know what theories --- this is the first that I have heard of it --- he told me that he had never had a any one employed. I take the responsibility to rest his wife's case upon the point that at the time he made the contradictory statements that he was married --- let it be granted that he was legally married to this woman, Mary Jones, the evidence shows upon the record that she had a living husband and couldn't marry this man.

COMMISSIONER --- The only evidence that she had a living husband is the fact that he states it.

MR. HEARD --- the record of the divorce shows it. Now, if the Commission wants any testimony, I will say this --- probably we can get testimony to show that she was the wife of that man Jones, and if this man was married to her she was not competent of being married. Or I am willing to pass the case to the Commission as it now stands.

COMMISSION:

The witness testified that he was living with Mary Jones at the time the child, Buster Anderson, was born; that the child is now about 8 or 9 years of age. The divorce was granted Mary Jones in 1895, which is ten years and two months ago.

MR. HEARD: --- He does not state positively about the age of the child.

COMMISSIONER:

I expect you will have to bring us some witnesses who are disinterested to clear up these statements. The Commissioner is not satisfied with it.

MR. HEARD --- I will agree with the Commissioner, and let it go as a fact that he did legally marry this woman. Now, upon that theory I wish to be heard if the Commissioner wants any corroborative evidence that at the time he was living with her she had a living husband. I take the responsibility right here of saying that --- let it be granted, as a fact, that a marriage ceremony was performed and that he married her under every form of law -- then upon the facts here of his testimony and the record of the divorce, she had a living husband, and she could not marry.

COMMISSIONER --- The Commissioner will take the matter under advisement.

COMMISSION: to witness--

- Q. How many attorneys have you employed to represent this matter?
A. I employed Mr. Heard under a contract, and he is the only man.
- Q. Have you any arrangements with Mr. Becker of Southtown? A.
No sir.
- Q. Under what authority did McKennon & Dean represent you? A.
They just represented me. They had other cases.
- Q. What was the nature of your arrangements with Mr. Cobb? A.
He just said he wouldn't charge me anything to get that through. He wanted me to agree to sell it to him.

MR. HEARD: -- When I came to South McAlester, I went out to see Tom and showed him your letter. He was telling me about sending a copy of this divorce. It struck me at once that he had been advising with other attorneys, and I told him that I just had one theory to rest the case upon, and that if he had other attorneys I wanted to know it, because they might have conflicting theories, and we would lose the case. I knew about Mr. Cobb.

Eula Jeanes Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 3rd. day of July, 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

Eula Jeanes Branson

Subscribed and sworn to before me this the 7th. day of July, 1905.

Edward Merriks
Notary Public.

7-5626

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
SOUTH McALESTER? I. T. AUGUST 30, 1905.

In the matter of the application for the enrollment of Alice Anderson as a citizen by intermarriage of the Choctaw Nation.

McKennon & Dean representing applicant.

By Commissioner: What is your contention?

Attorney Dean: As attorneys for applicant we expect to show by this witness that Mary Jones, the woman Tom Anderson lived with for a time prior to his marriage to the applicant, could not have been the lawful wife of Tom Anderson because she was at that time the wife of one John Jones.

Thomas McGee being duly sworn and examined through interpreter Alfred W. McClure testifies as follows:

EXAMINATION BY THE COMMISSIONER:

Q What is your name? A Thomas McGee.
Q How old are you? A He is thirty-eight and going on thirty-nine, will be thirty-nine next December.
Q What is your post office address? A Blanco.
Q Are you a citizen by blood of the Choctaw Nation? A Yes.
Q Are you acquainted with Alice Anderson, wife of Tom Anderson, the applicant in this case? A He says he did not know her until Tom Anderson married her.
Q Are you acquainted with Tom Anderson? A Yes, I know him.
Q How long have you known him? A About fifteen years or more; he says he has known him ever since he was a boy.
Q Was he married when you first became acquainted with him fifteen years ago? A No, sir.
Q Was he ever married that you know of? A He says he was not present at their marriage but he says from what "I have been told I know that they were married".
Q To whom? A He says he married a white woman his present wife; he says beyond that he says he don't know that he ever married any one.
Q Prior to that time - to the time of his marriage to his present wife, Alice Anderson, had he ever been married to any woman? A He says no, not that he knows of prior to this.
Q Did he ever live with any woman prior to his marriage to Alice Anderson as her husband? A He says yes, he lived with a woman but he was not married to her, he says, by reason of this woman having a living husband that she wasn't divorced from.
Q What was this woman's name? A Mollie Jones.
Q Was this woman also known by the name of Mary Jones? A He says that is all he ever knew her by was the name of Mollie.
Q You say that you became acquainted with Tom Anderson about fifteen years ago, now how long after you first became acquainted with him was it until he began living with this Mollie Jones? A He says about two years as near as he can remember after he got acquainted with him; says he was living with this woman when he was very young - when he was a mere boy.

Q Then Tom Anderson commenced living with Mollie Jones thirteen years ago or about that? A Says yes, he thinks just about that time.

Q That would be about 1892? A Just before the 1893 payment.

Q How long before the 1893 payment was it that Tom Anderson began living with this Mollie Jones? A He says he don't remember; it was either the year before that or within that year; just before the time of the payment he began to live with her.

Q For how long after he ~~gx~~ began living with her did he continue to live with her as her husband? A He says he continued to live with her about six or eight months.

Q During this time that Tom Anderson was living with Mollie Jones did she have any children by him? A He says yes.

Q Were they living together at the time this child was born? A He says he don't know about that. He says Fulson McGee had married this woman after they separated and he says this woman told him that this was Tom Anderson's child.

Q Then you never learned of the birth of this child and the fact that said child was a descendant of Tom Anderson until Mollie Anderson told you after she had become the wife of Fulson McGee? A Says yes, says that is so.

Q About how old was this child at the time you saw it when Mollie Jones was the wife of Fulson McGee? A He says he don't know how old it was but it was about that tall (indicating) he says it was over a year or probably going on two.

Q What is the source of your knowledge of the facts to which you have just testified, were you a near neighbor of Tom Anderson and Mollie Jones at the time they lived together? A He said they all lived in the same neighborhood.

Q How near neighbors were you? A Says they lived about two miles from him.

Q Was any marriage ceremony ever performed between Tom Anderson and Mollie Jones that you knew of? A Says no that they did not marry.

Q How do you know they they did not marry? A He says she had a husband - living husband that she wasn't divorced from at the time they went together; says they just went together and lived together; says that is all he knows about their not being married.

Q Then you state that this Mollie Jones had already a living husband at the time she began living with Tom Anderson from whom she had not been divorced? A Yes, he says.

Q Who was this former husband of Mollie Jones? A John Jones.

Q How do you know that John Jones and Mollie Jones were married? A He says he don't know that they were ever married but that John Jones and Mollie Jones lived in that neighborhood and that they had always visited each other. John Jones was recognized as a citizen by reason of his marriage to this Indian woman.

Q Who was it that had visited each other? A He says "I use to visit John and Mollie Jones and they use to visit us".

Q At this time did Mollie Jones and John Jones live together as husband and wife and were they so recognized in the neighborhood in which they lived? A Says yes that was it.

5626-3.

Q Had Tom Anderson ever lived with this Mollie Jones prior to the time that John Jones lived with her? A Says no. He says the reason he says he don't know whether they were married they lived wither in Wolf or Cedar and they came there to Gaines.

Q And when John and Mollie Jones came into your neighborhood they came there as husband and wife and so said themselves to be? A Says yes, says they represented themselves to be man and wife and says they were so recognized.

Q Do you know as to whether or not Mollie Jones obtained a divorce from John Jones? A Says yes "I know that she obtained a divorce from John Jones".

Q When was this if you know? A He says it was either in 1894 or 1895, says he can't just say which one of those two years.

Q Was Tom Anderson living with Mollie Jones at the time this divorce was granted? A Says, no.

Q Did Tom Anderson live with Mollie Jones ~~xx~~ after this divorce was granted? A Says no, says when she obtained her divorce she was then living with Fulsom McGee.

Q How long after Tom Anderson quit living with Mollie Jones was it until Mollie Jones obtained this divorce from John Jones? A He says he don't remember, it must have been something about a year or more, says Tom Anderson had quit her and she had taken up with Fulsom McGee and she was living with him at the time she got the divorce.

Q Then as I understand you for at least a year prior to the granting of this divorce between Mollie and John Jones Tom Anderson had not lived with Mollie Jones? A Says yes, either a year or not quite a year; he says he is not certain of that it has been so long he can't remember but as well as he can remember it was about a year.

Q Are you certain of the fact and do you know of your own knowledge that after this decree of divorce was branted ~~in~~ Tom Anderson never lived with Mollie Jones? A Says yes.

Q What became of Mollie Jones after this divorce was granted? A He says she was then living with Fulsom McGee and when she got her divorce they went back home.

Q Went back home with Fulsom McGee? A Yes, sir.

Q Did she continue to live with Fulsom McGee until her death? A Says yes.

Q When did Mollie Jones or ~~Max~~ Mollie McGee die? A He says she lived in Jacks Fork county and he lives here in Gaines county and he don't know when she died.

Q Is Fulsom McGee still living? A Says he heard that Fulsom McGee died.

Q Since Tom Anderson separated from and quit living with this Mollie Jones have you known him and known where he has lived? A He says he knows that after he quit ~~1~~ Mollie Jones he went to the Chickasaw country and from there he moved back here.

Q How long was it after Tom Anderson quit living with this Mollie Jones until he married his present wife? A He says he thinks it was about two years after he quit Mollie; or he says it may not have been that long; he says it had been a long time since he saw Tom.

Q Then to the best of your knowledge it was about two years or maybe a little less then two years from the time he quit living with Mollie Jones until he married his present wife Alice Anderson? A He says yes, sir.

5626-4.

EXAMINATION BY MR. DEAN:

Q Do you know where John Jones was during the time Tom Anderson was living with his wife? A Says he left the neighborhood just about the time - the woman left him.
Q Have you ever seen him since or heard of him? A Says no he has never seen or heard of him since.

Witness excused.

Alfred W. McClure being first duly sworn testifies as follows:

Examination by Mr. Dean:

Q What is your post office address? A South McAlester.
Q Are you a citizen by blood of the Choctaw Nation? A Yes, sir.
Q Enrolled as such? A Yes, sir.
Q What is your chief business Mr. McClure? A Farming.
Q Were you ever an attorney in the Choctaw courts? A Yes, sir.
Q Were you practicing as such attorney during the years 1894 and 1895? A Yes, sir.
Q Did you have anything to do with the procurement of a decree of divorce between one John Jones and Mollie Jones or Mary Jones? A Well I assisted Sweeney McKIMMAY in obtaining a divorce between John Jones and Molly Jones in 1893 or '4 as near as I can remember.
Q Were you acting as attorney for Mollie Jones? A Yes, sir.
Q In which court and where was that decree obtained? It was obtained in Moshalatubbee District Court in the Choctaw Nation; it was near the first station the other side of Wilburton. It was about two miles south of Panola, that was the nearest station. About four or five miles from Wilburton.
Q Who was judge? A Noel Holson.
Q Had you known Mollie Jones before that time? A No, sir, not that I know of, I may have see her but I didn't know her before that time.
Q Do you know what became of her after she was divorced? A No, sir.
Q Did you know the husband of Mollie Jones? A No, sir.
Q Was he there when the decree of divorce was obtained? I don't remember whether he was there or not, the summons was issued to him.
Q Do you know whether or not ~~xxxxxx~~ there was a personal service of the summons? A No, sir, I don't remember.
Q Have you ever heard of him or known of him since that time? A No, sir.
Q If it should appear on the record of that court that this decree was granted in 1905 would or would not that be correct? A It would be incorrect because there was no court held this year.
Q Well do you know of your own knowledge that it could not have been in the year 1905? A Yes, sir.
Q And in fact you know that it was during the '90's? A Yes, sir, either in 1893 - '4 or '5 that this decree was granted and it could not possibly have been granted in 1905.

5626-5.

Q You think it might have been as late as 1895? A Possibly could have been so; it has been so long I can't remember it might have been 1895 instead of 1894.

Witness excused.

Chas. T. Difendafer being first duly sworn states that ~~as~~ the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. T. Difendafer.

Subscribed and sworn to before me this 7th day of September 1905.

Myron White.

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED
SEP 14 1905

[Signature]
COMMISSIONER.

Be it remembered that at 9 o'clock A.M.
on the sixth day of May 1895.

It being the first Monday in said month
at the Masholabbee District Court Grounds
in Gaines County, it being the time & place
provided by law for the holding of the
Circuit Court of the first Judicial District
Choctaw Nation The Hon. H. J. Holson,
Judge of the First Judicial District, appeared
Hon. A. W. McClure District Attorney
Mollaw Bond Clerk & Isaac M. Moore
High Sheriff also appearing Court is
proclaimed open and ready for the dispatch
of business.

Friday Morning
May 11 - 1895

Court met pursuant to adjourn-
ment at 9 o'clock Friday morning
all officers present today as
yesterday.

Jury roll called jury
present minutes of the 9th instant
read corrected and approved in open
court.

Court is ready for the dispatch of
business & among other matters and things
the following proceedings were had to wit.

Case No. 64
Molly Jones
vs. John Jones
N.S. Divorce

Comes now the plaintiff herein and
A. H. McClure Esq. her Attorney as well as
her witnesses, who being duly sworn
verify the allegations as in the petition
of plaintiff set forth.

It is therefore ordered adjudged
and decreed by the Court that the bonds
of matrimony heretofore existing
between the said Molly Jones
and her husband John Jones be
and the same are forever dissolved
and declared null and void.

I do hereby certify that the above
is a true and correct copy of the records
in my office, to which I attach my
name. And Seal this the 8th Sept 1905

J. P. Harrison
Circuit Clerk,
1st District, E. D.

7-5626.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

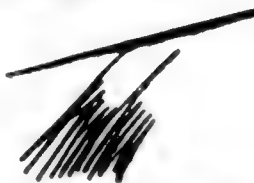
In the matter of the application for the enrollment
of Alice Anderson as a citizen by intermarriage of the Choctaw
Nation.

- - : D E C I S I O N : - -

It appears from the census card record in this case
that on October 11, 1898, application was made to the Commis-
sion to the Five Civilized Tribes at Colbert, Indian Territory,
for the enrollment of Alice Anderson as a citizen by intermar-
riage of the Choctaw Nation.

It appears from the record herein that on April 19,
1897, the applicant Alice Anderson, was lawfully married to
Tom Anderson, a recognized and enrolled citizen by blood of
the Choctaw Nation, whose name appears as No. 14842 upon the
lists prepared by the Commission to the Five Civilized Tribes
under the provisions of the Act of Congress approved July 1,
1902 (32 Stats., 641), of persons entitled to enrollment as
citizens by blood of the Choctaw Nation, and approved by the
Secretary of the Interior May 20, 1903; that at the time of
said marriage both persons above mentioned were residents in
good faith of the Choctaw Nation, and that they lived together
continuously as husband and wife in the Choctaw-Chickasaw
country from the date of their marriage up to and including
September 25, 1902.

I am therefore of the opinion that Alice Anderson
should be enrolled as a citizen by intermarriage of the
Choctaw Nation in accordance with the provisions of the Acts of
Congress approved June 28, 1898 (30 Stats., 495), and July 1,
1902 (32 Stats., 641), and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

NOV 11 1905

Commissioner.

7-5626

Muskogee, Indian Territory, November 11, 1905.

S. Heard,

COPY.

Attorney at Law,

Tishomingo, Indian Territory,

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on November 11, 1905, rendered his decision granting the application for the enrollment of Alice Anderson as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against her enrollment. If at the expiration of that time no protest has been filed, her name will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tamc Dixby

Registered.

Commissioner.

7-5626

Muskogee, Indian Territory, November 11, 1905.

McKennon & Dean,
Attorneys at Law,
South McAlester, Indian Territory,
Gentlemen:

OPY

You are hereby notified that the Commissioner to the Five Civilized Tribes on November 11, 1905, rendered his decision granting the application for the enrollment of Alice Anderson as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and will be allowed fifteen days from the date of this notice within which to file protest against her enrollment. If at the expiration of that time no protest has been filed, her name will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

James S. Sibley

Registered.

Commissioner.

-7-5626

Muskogee, Indian Territory, November 11, 1905.

Guy P. Cobb,
Attorney at Law,
Ardmore, Indian Territory,

Copy.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes on November 11, 1905, rendered his decision granting the application for the enrollment of Alice Anderson as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the enrollment of said applicant. If at the expiration of that time no protest has been filed, her name will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tamr Bixby

Registered.

Commissioner.

7-5626

Muskogee, Indian Territory, November 11, 1905.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered November 11, 1905, granting the application for the enrollment of Alice Anderson as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the enrollment of this applicant. If at the expiration of that time no protest has been filed, her name will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tamo Bixby

Registered.

Commissioner.

Incl. 7-5626.

for
See 7-5626 for registry receipt ~~mx~~ this letter.

7-5626

Muskogee, Indian Territory, November 11, 1905.

Alice Anderson,

COPY.

Buck, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered November 11, 1905, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against your enrollment. If at the expiration of that time no protest has been filed, your name will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED: *Tams Bixby*
Commissioner.

Registered.

Incl. 7-5626



COMMISSION TO			RIBES.
No.	Received	Ans.	
	NOV 1 1898		




~~CONFIDENTIAL~~ 19th 1897
Chickasaw Nation

this is to certify that
Tom Anderson & Alice Ridge
was celebrated for rite of
Marriage - Tom Anderson is
a citizen of the said Nation
and resident of Jackson
County Alice Ridge she is
a citizen of the United States
have appeared before me
for rite of Marriage and
I Joseph B. James have
united the couple according
the Constitution and laws of
the Chickasaw Nation
this the 19th day of April 1897

Witnessed
Rev. Joseph B. James
Rev. W. B. Anderson
J. D. Anderson

In Re
Application for enrollment
of
Isaac Reed,
Vera Anderson
As a Citizen of the
Kiowa Nation

Approved Oct 11. 1896.


Commissioner

14942

75626

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.

Judicial District.

Tom Anderson being first duly sworn states that he is a citizen of the *Chickasaw* Nation of Indians. That he heretofore made application to the Commission to the Five Civilized Tribes for the enrollment of *himself* and family. That *Tom Anderson*, the father, is enrolled by said tribe in *Chickasaw Nation*, and the mother, *Alice Anderson* is ~~in an intermarried citizen~~. That ~~since the date of said enrollment by said Commission,~~ there has been born to said *Alice Anderson*, to-wit: on the *11th* day of *August* A.D. 1898, a *female* child, which has been named *Lena Anderson* and is now living.

Subscribed and sworn to before me this *11th* day of *August* A.D. 1898.

Tom Anderson
J. H. [Signature]
Commissioner

CHICKASAW.

20

IN RE


Application for Enrollment of

INFANT CHILD

Mary Jane Anderson
as a citizen of the

Chickasaw Nation.

Approved, JUN 23 1900 1900



Commissioner.

FILED
MAY 28 1900
COMMISSION TO FIVE TRIBES.

*Check
1146*

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the *Chickasaw* Nation,
 of *Mary Jane Anderson*, born on the *23rd* day of *March*, *1900*
(Here insert name of child)
 Name of Father: _____ a citizen of the _____ Nation.
 Name of Mother: *Alice Anderson*, a citizen of the *Chickasaw* Nation.
 Postoffice, *Tuskahoma* *Okla.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
Central INDIAN TERRITORY, District.

I, *Alice Anderson*, on oath state that I am *19*
 years of age and a citizen, by *marriage* of the *Chickasaw* Nation;
 that I am the lawful wife of *Thompson Anderson* who is a citizen, by
Blood of the *Chickasaw* Nation; that a *Female* child was
(male or female)
 born to me on the *23rd* day of *March*, *1900* that said child has been
 named *Mary Jane Anderson*, and is now living.

WITNESSES TO MARK:

Alice Anderson

(Must be Two Witnesses.)

Subscribed and sworn to before me this *25* day of *May*, *1900**John W. Schuler*
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
Central INDIAN TERRITORY, District.

I, *Mary Jane Williams*, on oath state that I
 attended on Mrs. *Alice Anderson*, wife of *Thompson Anderson*
 on the *23rd* day of *March*, *1900* that there was born to her on
 said date a *Female* child; that said child is now living and is said to have been
(male or female)
 named *Mary Jane Anderson*.

WITNESSES TO MARK:

Mary Jane Williams

(Must be Two Witnesses.)

Subscribed and sworn to before me this *25th* day of *May*, *1900*

NOTARY PUBLIC.

9-1146

INDEXED

CHICKASAW.

20

IN RE

Application for Enrollment of

INFANT CHILD

Graham Anderson

as a citizen of

Chickasaw Nation.

Approved SEP 30 1902 190

T. A. McKinstry
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

SEP 30 1902

[Signature]
ACTING CHAIRMAN.

CHICKASAW.

1146

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Chickasaw Nation,
of Graham (Here insert name of child.) , born on the 6 day of August, 1907
Name of Father: Thompson H. Anderson a citizen of the Chickasaw Nation.
Name of Mother: Alice Anderson a citizen of the Chickasaw Nation.
Post-office Buck 25

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
Central INDIAN TERRITORY, District.

I, Alice Anderson, on oath state that I am Twenty
years of age and a citizen, by Marriage, of the Chickasaw Nation;
that I am the lawful wife of Thompson H. Anderson, who is a citizen, by
Blood, of the Chickasaw Nation; that a male child was
(male or female.)
born to me on 6 day of August, 1907; that said child has been
named Graham, and is now living.

WITNESSES TO MARK:

Alice Anderson.

(Must be Two Witnesses.)

Subscribed and sworn to before me this 19 day of Sept, 1907J. S. Clauette

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
Central INDIAN TERRITORY, District.

I, Mrs Mary Ridge, a midwife, on oath state that I
attended on Mrs. Alice Anderson, wife of Thompson H. Anderson
on the 6 day of August, 1907; that there was born to her on
said date a male child; that said child is now living and is said to have been
(male or female.)
named Graham.

WITNESSES TO MARK:

Mrs. Mary Ridge

(Must be Two Witnesses.)

Subscribed and sworn to before me this 19 day of Sept, 1907J. S. Clauette

NOTARY PUBLIC.

5626

Muskogee, Indian Territory, August 7, 1900.

Mr. G. R. Spencer,
Pentress, Indian Territory,

Dear Sir:

The Commission in its receipt of your letter of August 3rd, in which you ask to be informed if the name of Lina Andersen is on the Chickasaw Indian or Freedman roll.

In reply to your letter, you are advised that the records of the Commission show that Lena Anderson, three months old, daughter of Tom and Alice Anderson, was listed for enrollment as a Chickasaw Indian October 11th, 1898. The name of Lina Anderson does not appear on either the Cherokee or Chickasaw Indian or Freedman rolls. If Lena Anderson, above referred to, is not the party of whom you inquire, it will be necessary for you to give further information; when and where she made application for enrollment, her age, the names of other members of the family who were listed with her, and any other data which will enable the Commission to identify her as being listed for enrollment; also advise the Commission under what name she applied for enrollment. Upon receipt of this information the matter will receive further consideration.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, August 24, 1900.

Mr. A. R. Spencer,
Pentress, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 13th instant, in which you state that Lena or Lina Anderson of whom you inquire, is a Chickasaw and her people claiming to be full blood Indians and that this Lena Anderson had been enrolled by Tandy Walker.

You are informed that the records of this Commission show that a Lena Anderson, who would now be a little over two years of age and the child of Tom and Alice Anderson, was listed for enrollment as a Chickasaw citizen October 11th, 1898. The residence of Tom and Alice Anderson however, appears to be in the Choctaw Nation and the last communication that the Commission had with him was at Tushkahomma, Indian Territory.

If this is not the party of whom you make inquiry and you desire further information in regard to the enrollment of this Lena Anderson, it will be necessary for you to inform the Commission when and where she made application for enrollment, her age, the names of her parents and the names of any other members of her family who were listed for enrollment at the same time she was.

Yours truly,

Acting Chairman.

9-1146.

Muskogee, Indian Territory. September 30, 1903.

Thompson W. Anderson.

Buck, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Chickasaw Nation of Graham Anderson, infant son of Thompson W. and Alice Anderson, born August 6, 1902; and the same being in proper form has been duly filed with the records of the Commission, and the child listed for enrollment as a citizen of the Chickasaw Nation.

Respectfully,

Acting Chairman.

9-1146.

Muskogee, Indian Territory, October 13, 1908.

Thompson W. Anderson,

Musk, Indian Territory.

Dear Sir:

Enclosed herewith you will find affidavits of Alice Anderson and Mary Ridge relative to the birth of Graham Anderson, infant son of Thompson W. and Alice Anderson, born August 6, 1908.

The notary public before whom the affidavits were acknowledged neglected to insert the day of the month upon which the same were acknowledged. You are requested to have this matter attended to at once, and return the application for the enrollment of your child in the enclosed envelope.

Respectfully,

Commissioner in Charge.

Enc 3 1 17.

Choctaw-5626.

Muskogee, Indian Territory, February 28, 1903.

Alice Anderson,

Buck, Indian Territory.

Dear Madam:

It is the present intention of this Commission to establish land offices in the Choctaw and Chickasaw nations April 1, 1903. The act of Congress approved July 1, 1902, provides:

"No person whose name does not appear upon the rolls as herein provided shall be entitled in any manner to participate in the distribution of the common property of the Choctaw and Chickasaw tribes."

It will be necessary, before your right to enrollment as an intermarried citizen of the Choctaw Nation can be determined, that you appear before the Commission and testify as to your status on September 25, 1902.

For this purpose the Commission has made an appointment at Atoka, Indian Territory, March 10 to 13, 1903, and you should personally appear at said place on one of the above dates for the purpose herein indicated. No further action can be taken relative to the determination of your right to enrollment until this testimony is received.

Respectfully,

Chairman.

Cheotaw 5626

Muskogee, Indian Territory, January 28, 1904.

Tom Anderson,

Buck, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of January 21, asking if the enrollment of your wife, Alice Anderson, as an intermarried citizen, has yet been approved.

In reply to your letter you are advised that the Commission has not yet passed upon the application of Alice Anderson for enrollment as an intermarried citizen of the Cheotaw Nation. As soon as a decision is reached in this case she will be notified of the action taken therein.

Respectfully,

Commissioner in Charge.

7-5626.

Muskogee, Indian Territory,

March 23, 1904.

Alice Anderson,

Buck, Indian Territory.

Dear Madam:-

It appears from the records of this Commission that you are an applicant for enrollment as a citizen by intermarriage of the Choctaw Nation, claiming your right thereto by virtue of your marriage to Tom Anderson.

The act of Congress approved July 1, 1902, provides:

"No person whose name does not appear upon the rolls as herein provided shall be entitled in any manner to participate in the distribution of the common property of the Choctaw and Chickasaw tribes."

It will be necessary, before your right to enrollment as an intermarried citizen of the Choctaw Nation can be determined, that you appear in person before the Commission at its office at Muskogee, Indian Territory, at an early date, and testify as to your intermarried status on September 25, 1902.

Respectfully,

Commissioner in Charge.

Choctaw-5626.

Muskogee, Indian Territory, June 16, 1904.

Tom Anderson,
Buck, Indian Territory.

Dear Sir,

Receipt is hereby acknowledged of your letter of June 3rd, in which you ask the status of the enrollment of your wife, Alice Anderson, and wish to be informed if the certificate of your marriage has not heretofore been forwarded. You state that if such certificate has not been received, you will secure another and forward it at once.

In reply to your letter, you are informed that it appears from our records that the certificate of marriage between Tom Anderson and Allie Ridge, under date of April 19, 1897 has been filed with the records of the application of Alice Anderson for enrollment as an intermarried citizen of the Choctaw nation. You are informed, however, that it does not appear from our records that she testified relative to her intermarried status on September 25, 1902, the date of the ratification by the Choctaw and Chickasaw Nations, of the act of Congress approved July 1, 1902.

Y. A.-2.

Before further consideration can be given her application for enrollment it will be necessary that she appear before the Commission at its office in Muskogee, Indian Territory for the purpose of testifying relative to her intermarried status on September 25, 1902.

Respectfully,

Chairman.

Choctaw-5626.

Muskogee, Indian Territory, August 12, 1904.

Alice Anderson,

Buck, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation, it will be necessary, before your rights as such citizen can be determined, for you to appear in person before the Commission for the purpose of giving testimony relative to your intermarried status on September 25, 1902.

You are, therefore, requested to appear before the Commission at its general office at Muskogee, Indian Territory as soon as possible; or you may appear at the Choctaw Land Office, Atoka, Indian Territory, September 6-7, 1904; or at the Chickasaw Land Office, Tishomingo, Indian Territory, September 8-9, 1904.

Respectfully,

Commissioner in Charge.

7-5626

Muskogee, Indian Territory, October 18, 1904.

Alice Anderson,

Buck, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 6th instant, requesting information relative to the status of your application for enrollment as an intermarried citizen of the Choctaw Nation.

You are advised that the Commission has not yet passed upon your application for enrollment as an intermarried citizen of the Choctaw Nation. As soon as a decision is reached therein you will be duly notified of the action taken.

Respectfully,

Commissioner in Charge.

7-5626

Muskogee, Indian Territory, October 14, 1904.

S. Heard,

Attorney at Law.

Tishomingo, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 11th instant, enclosing a brief to be filed in the matter of the application for enrollment of Alice Anderson as an intermarried citizen of the Choctaw Nation, and the same has been duly filed therein in accordance with your request.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, October 15, 1904.

S. Heard,

Attorney at Law,

Tishomingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your brief of October 11, 1904, in the matter of the application of Alice Anderson for enrollment as an intermarried citizen of the Choctaw Nation, which has been duly filed with the papers in this case.

In the matter of the application of Alice Anderson for enrollment as a citizen by intermarriage of the Choctaw Nation, it appears from the testimony of her husband, Tom Anderson, through whom she claims intermarried rights, that he was married to one Mary Jones prior to his marriage to Alice Anderson (nee Alice Ridge), and that the said Mary Jones was living at the time he and Alice Ridge were married. He further stated in his testimony taken at Muskogee, Indian Territory, on August 20, 1904, that he was divorced in the Choctaw Tribal Court from Mary Jones before he was married to Alice Ridge. He was thereupon informed that it would be necessary for him to furnish the Commission with a certified copy of the decree

7.3.13

S. H. ---2

of divorce between himself and Mary Jones.

On September 8, 1904, Tom Anderson again appeared at Tishomingo, Indian Territory, and testified that he was never actually and legally married before his marriage to Alice Anderson, and in explanation of his previous statement, on August 20, 1904, viz: that he was divorced from Mary Jones, stated that he did not quite understand what was meant by the question asked him and because he did not consider it a legal marriage, he called it a divorce. He further stated in his testimony on September 8, 1904, that he was married to Mary Jones by Isaac Billy, who, at the time of his marriage to Mary Jones, was acting as a Choctaw Judge; that subsequently, the election of the said Isaac Billy as judge was contested and he was not qualified. Tom Anderson further stated in his testimony on September 8, 1904, that he understood at the time that he and Mary Jones were living together that they were married, and that they lived together about three months and had one child.

You are informed as attorney of record in this case, that, before the Commission can finally determine the rights of Alice Anderson as a citizen by intermarriage of the Choctaw Nation, she will have to sustain the burden of proof and show

S. H. ---3

by sufficient evidence that the contention of Tom Anderson in his testimony taken at Tishomingo, Indian Territory, on September 8, 1904, viz: that his marriage to Mary Jones was illegal by virtue of the fact that Isaac Billy was not acting under authority of law when he performed the ceremony between himself and Mary Jones, and that he, Tom Anderson, and the people with whom he was most intimately associated considered that he was not married to Mary Jones, is true.

This matter should be attended to at once for, as the record now stands, the Commission cannot determine the rights of Alice Anderson, as an intermarried citizen of the Choctaw Nation.

Very respectfully,

Commissioner in Charge.

7-5626

Muskogee, Indian Territory, November 21, 1904.

Tom Anderson,

Buck, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of the affidavits of Ruthia Jefferson, Elsie Anderson and Dora Whistler which you offer in support of the application of Alice Anderson for enrollment as an intermarried citizen of the Choctaw Nation, and the same have been filed with the record in this case.

Respectfully,

Chairman.

7-5626

Muskogee, Indian Territory, February 13, 1905.

Alice Anderson,

Buck, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of February 8, 1905, asking the status of your application for enrollment as an intermarried citizen of the Choctaw Nation.

In reply to your letter you are informed that the Commission has not yet passed upon the application of Alice Anderson for enrollment as an intermarried citizen of the Choctaw Nation but when a decision is reached in this case you will be notified of the action taken therein.

Respectfully,

Chairman,

9-D--240.
9-D--383.
7--568.

Muskogee, Indian Territory, May 29, 1906.

S. Heard,
Attorney at Law,
Admore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 25, asking the status of the enrollment cases of John Irvine and John O'Donell, intermarried Chickasaws, and Alice Anderson, intermarried Choctaw.

In reply to your letter you are advised that the Commission is now considering the application of John O'Donell for enrollment as an intermarried citizen of the Chickasaw Nation, and when a decision is reached in this case you will be notified of the action taken therein. Referring to the case of John S. Irwin, an applicant for enrollment as an intermarried citizen of the Chickasaw Nation, you are advised that this applicant claims the right to enrollment by reason of his marriage to Jennie Irwin, who is herself an intermarried citizen, and the question involved in this case has not yet been passed upon by the Commission.

In the matter of the application of Alice Anderson

S.M. 1000

For enrollment as an intermarried citizen of the Cheyenne Nation,
you are advised that it will be necessary for Tom Anderson to
appear in person before the Commission at its office in Muske-
goe, Indian Territory, for the purpose of an examination by
the Chairman of the Commission relative to conflicting testi-
mony given by him on his several appearances before the Commis-
sion.

Respectfully,

Chairman.

Tishomingo, I. T. July 10, 1905.

Hon. Tams Bixby,

Muskogee, I. T.

Dear Sir:- In the matter of the application of Mrs. Alice Anderson to be enrolled as an intermarried citizen of the Choctaw Tribe of Indians I submit the application without further evidence.

I respectfully submit that the copy of the divorce between Mary Jones and her husband Jones dated in May, 1895 filed in this record, and the date of the birth of Anderson's son Buster, the alleged offspring of Mary Jones in 1896 show that if he, Tom Anderson, was living with Mary Jones as husband and wife it must have been while she had a living husband, and therefore no valid marriage could be had between Tom Anderson and Mary Jones.

I would not stultify myself to ask you to give any credence whatever to what Tom Anderson says about the marriage, but the age of the child as shown by the enrollment record, and the copy of the divorce on file in which it is shown that the divorce was granted to Mary Jones in May 1895-these facts it is submitted show that the martial relation, if any, between Mary Jones and Tom Anderson was formed while she was legally married to Jones, and therefore void.

It is further respectfully submitted that if you should come to the conclusion from the record that Tom Anderson lived with Mary Jones after her divorce was granted and that the

martial relation between them, having been illegal ab initio could not be made valid by living together after the divorce; therefore in conclusion, leaving out what Tom Anderson has said as wholly unworthy of belief the two undisputed facts shown in the record are the copy of the decree of divorce between Mary Jones and her husband and the birth of her son by Tom Anderson Buster Anderson show that the martial relation between Tom Anderson and Mary Jones, if any, was illegal and if so his marriage to the applicant, Alice Anderson, was valid, and it is respectfully submitted that she, the applicant, Alice Anderson should be enrolled as a citizen of the Choctaw Nation by intermarriage.

Respectfully, submitted

S. Heard,
Attorney for
Applicant.

56 26
Choctaw 5434

Muskogee, Indian Territory, June 2, 1905.

McKennon & Dean,

Attorneys at Law,

South McAlester, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of May 29,
stating that if agreeable to this office you have arranged to bring
Tom Anderson before the Commission on June 5, 1905.

In reply you are advised that Mr. Bixby desires to examine
this man personally, and as he will not be here on the fifth instant
it is suggested that you defer bringing Mr. Anderson to Muskogee
until a later date when Mr. Bixby will be in the office.

Respectfully,

Commiss'

Washago, Indian Territory, July 16, 1905.

S. Hurd,

Attorney at Law.

Tishomingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 10, 1905, presenting certain reasons why Allen Anderson, wife of Tom Anderson should be enrolled as an intermarried citizen of the Choctaw Nation.

In reply you are advised that these statements have been made a part of the record in this case.

Respectfully,

Commissioner.

7-5626

Muskogee, Indian Territory, September 15, 1905.

McKennen & Dean,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 12th instant, enclosing a certified copy of the decree of divorce of Nelly Jones from John Jones, showing that said divorce was granted May 10, 1895 and requesting that the one heretofore filed, showing the date of said divorce as May 10, 1905, be returned to you.

The evidence of divorce transmitted with your letter of September 12, 1905, has been filed with the records in the case and the one showing the erroneous date of May 10, 1905, is returned herewith.

Respectfully,

CP 15-25

Acting Commissioner

7-5626.

Muskogee, Indian Territory, September 22, 1905.

S. Heard,

Attorney at Law,

Tishomingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th instant in which you request to be advised whether the additional testimony which has been submitted in the matter of the application for the enrollment of Alice Anderson as a citizen by intermarriage of the Choctaw Nation was submitted on behalf of the applicant and also if any other attorney has appeared in this case. You further request to be advised on what point such additional testimony was submitted.

In reply to your letter you are advised that on several occasions A. S. McKennon, of South McAlester, Indian Territory, has appeared before this office representing the applicant Alice Anderson, and that on August 30, 1905, at South McAlester, Indian Territory, this office heard the testimony of one Thomas Madge in the matter of the application for the enrollment of said Alice Anderson and that at

S X -2

that, time Tom Andersen being present, McKennon & Dean appeared as attorneys for the applicant. By this testimony it is attempted to be shown by the applicant that Mollie Jones, the woman with whom Tom Andersen formerly lived for a time prior to his marriage to the applicant, could not have been the lawful wife of Tom Andersen because she was at that time the wife of one John Jones from whom she had not been divorced.

Respectfully,

Asting Commissioner.

7-5626

Muskogee, Indian Territory, January 6, 1906.

McKennon & Dean,

Attorneys at Law,

South McAlester, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of December 30, 1905, asking if Alice Anderson has been approved by the Secretary of the Interior as an intermarried citizen of the Choctaw Nation.

In reply to your letter you are advised that the name of Alice Anderson has not yet been placed upon a schedule of intermarried citizens of the Choctaw Nation, but will be placed upon the next schedule prepared for forwarding to the Secretary of the Interior, and you will be notified when her enrollment is approved by the Department.

Respectfully,

Commissioner.

Apr.

Tom Audum ap 25-

for 20 C.C.R. No 2 - 3rd

Dist. - Jack Felt Co -

Chas. Haggerty in Chas.

Nation 2nd Dist.

with

June ap 18

Asst. Chas. Haggerty in Chas.

Nation 2nd Dist -

1126

2

Manning's certificate to be supplied.

Seneca age 3 men

Take affidavits of father -

2/1

affidavit

12406

Empty

Choc 5628

Nathaniel F. Jennings

Crotia A. Jennings transferred
from Chick # D-375 7-16-05

5628

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the enrollment as a citizen by intermarriage of the Choctaw Nation of --

Grotia A. Jennings.

D-D-372.

7-5628

312
Chickasaw D. #376

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, I.T. September 24, 1902.

In the matter of the application of Crotia Jennings for the enrollment of herself as an intermarried citizen of the Chickasaw Nation.

Crotia Jennings being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Crotia Jennings.
Q How old are you? A Twenty-one.
Q What is your post office address? A Bower Indian Territory
Q What Nation is Bower in? A Choctaw.
Q How long have you resided in the Choctaw Nation? A About seven months.
Q Where did you live before that? A Missouri.
Q What is the name of your father? A W. P. Trower.
Q Is he living? A Yes, sir.
Q What is your Mother's name? A Nancy C. Trower.
Q Is she living? A Yes, sir.
Q Are both of your parents white persons? A Yes, sir.
Q Did either of your parents ever made claims for enrollment as a citizen of any Indian tribe? A No, sir.
Q Before this present time have you ever made claims for enrollment as a citizen of any Indian tribe? A No, sir.
Q Are you now applying as an intermarried citizen of the Chickasaw Nation? A Yes, sir.
Q What is the name of your husband? A Nathaniel F. Jennings.
Q Is he a recognized and enrolled citizen of the Chickasaw Nation? A Yes sir.

The name of the applicant's husband, Nathaniel F. Jennings, appears on the records of the Commission on Chickasaw Roll Card, Field number 1555, his name having been identified on the 1896 Chickasaw Census Roll, Gaines County 6620.

- Q When were you married to Nathaniel F. Jennings? A September twenty-third.
Q Where did this marriage take place? A At Mr. Jennings's.
Q Where is Mr. Jennings's house, what town? A What town? Yes. A He don't live in town.
Q Near what place? A Eufaula.
Q Under what law were you married? A United States.
Q Did you obtain a license? A Yes, sir.
Q Have you evidence of that marriage with you? A Yes, sir.

The applicant has in her possession marriage license issued by the Clerk of the United States Court for the Western District, Indian Territory, to N. F. Jennings and Miss Crotia Trower, and attached thereto is the certificate of F. A. Hill

Chickasaw D. #376-2

stating that on September 23, 1902, he united the above named parties in marriage; a copy of said license and certificate is attached to the record and made a part of it, while the original is returned to the applicant in order that it may be recorded.

- Q Were you ever married before your marriage to your present husband? A No.
Q Was he ever married before his marriage to you? A No, sir.
Q So far as you know there was no legal objection to this marriage? A No, sir.
Q Are you at present living together as husband and wife? A Yes, sir.
Q In the Choctaw Nation? A Yes sir.

Chas. Diffendaffer, after being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, taken on September 24, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. Diffendaffer

Subscribed and sworn to before me this *24* day of September, 1902.

[Signature]
Notary Public.

9-D-372.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Crotia A. Jennings
for enrollment as a citizen by intermarriage of the Choctaw
Nation.

--- D E C I S I O N : ---

It appears from the record herein that on September 24, 1902, original application was made to this Commission for the enrollment of Crotia A. Jennings as a citizen by intermarriage of the Chickasaw Nation.

It appears from the records of the Commission that at the time said application was made, Nathaniel F. Jennings, by reason of her marriage to whom the applicant claims the right to enrollment, had been listed by this Commission for enrollment as a citizen by blood of the Chickasaw Nation, but it thereafter appearing that said Nathaniel F. Jennings was a citizen by blood of the Choctaw Nation, and that his name was not found on any of the tribal rolls of the Chickasaw Nation in the possession of the Commission, his name was transferred from a Chickasaw card to a Choctaw card. The present application is therefore considered as an application for enrollment as a citizen by intermarriage of the Choctaw Nation.

It further appears from the record herein that on September 23, 1902, the applicant was lawfully married to Nathaniel F. Jennings, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as No. 13467 upon the lists prepared by this Commission under the Act of Congress approved July 1, 1902 (32 Stats., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation, and approved by the Secretary of the Interior March 19, 1903; that at the date of said marriage both persons above mentioned were residents in good faith of the Choctaw Nation, and that they have lived together in said Nation as husband and wife continuously, since said date, up to and including September 25, 1902.

It is therefore the opinion of this Commission that Crotia A. Jennings should be enrolled as a citizen by intermarriage of

the Choctaw Nation in accordance with the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495), and July 1, 1902 (32 Stats., 641), and it is so ordered.

COMMISSION TO THE FIVE CHEROKEE TRIBES.


Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,
JUN 27 1905

98 372

UNITED STATES OF AMERICA.
INDIAN - TERRITORY.

AFFIDAVIT.

~~SOUTHERN DISTRICT~~

~~Western District~~

Personally appeared before me

Virgil A. Pippins

a Notary Public, in and for the ~~Western~~ District of Indian Territory,

Crotia Jennings, who being first duly sworn, makes answer to the following interrogatories:

Q What is your name, age and postoffice address?

A *Crotia Jennings. Age 23 yrs. Bower, I.T.*

Q Are you an applicant for enrollment as a citizen by intermarriage of the Chickasaw Nation? A *Yes*

Q Through whom do you claim your intermarried rights? A *N. J. Jennings*

Q In what Nation did your husband reside prior to your marriage to him?

A *In the Choctaw Nation*

Q In what Nation did you reside prior to your marriage to your husband? A *In the Choctaw Nation*

Q Where did you and your husband reside after your marriage to each other? A *In the Choctaw Nation*

Q Did you reside together continuously as husband and wife from the date of your marriage up to and including September 25, 1902?

A *Yes.*

Witness

Crotia A Jennings

Subscribed and sworn to before me this *15th* day of *November* 1904.

9-D-372

Virgil A. Pippins
Notary Public.

WESTERN DIST. IND. TER.

FILED

SEP 24 1902

R. P. HARRISON,
CLERK, U.S. COURTS.

CERTIFICATE OF RECORD.

United States of America,
INDIAN TERRITORY,
Western District.

ss.

I, ROBERT P. HARRISON, Clerk of the United States Court in the Western District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 24 day of Sept. 1902, at 11 9 M., and duly recorded in Book N., Marriage Record, Page 229.

WITNESS my hand and seal of said Court at Muskogee, in said Territory this 24 day of Sept., A. D. 1902.

R. P. Harrison Clerk.

By R. A. Bayne Deputy.

MARRIAGE LICENSE.

United States of America,

INDIAN TERRITORY,
Western District

ss.

No. 2

To Any Person Authorized by Law to Solemnize Marriage---Greeting:

You are Hereby Commanded to Solemnize the Rite and Publish
the Banns of Matrimony between Mr. *N. F. Jennings*
of *Bower*, in the Indian Territory, aged *20* years,
and *Miss Eva H. Bower*, of *Bower*, in
the Indian Territory, aged *22* years, according to law, and do you officially sign and return
this License to the parties therein named.

WITNESS my hand and official seal at Eufaula, Indian Territory, this *22* day
of *September*, A. D. 190*2*.
By *B. E. Wilcox* Deputy. *R. P. Harrison*
Clerk of the U. S. Court.

CERTIFICATE OF MARRIAGE.

United States of America,

INDIAN TERRITORY,
Western District.

ss.

I, *J. A. Hill*, a Minister of the Gospel,
DO HEREBY CERTIFY, that on the *23* day of *Sept*, A. D. 190*2*,
did duly and according to law as commanded in the foregoing License, solemnize the Rite and Publish
the Banns of Matrimony between the parties therein named.

WITNESS my hand this *24* day of *September*, A. D. 190*2*.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Western District.

Book *13*

Page *171*

J. A. Hill
A Minister of the Gospel.

NOTE—This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court in the Western District,
Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the license was issued will be liable in the
amount of One Hundred Dollars (\$100.00).

7-5628
9-D-372

Muskogee, Indian Territory, October 5, 1903.

Nathaniel P. Jennings,
Bower, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 29, 1903, requesting to be advised whether your application for enrollment has yet been approved; also that of your wife, Grotia A. Jennings, and if so you desire that vouchers be sent for her and yourself.

You are informed it appears from our records that Nathaniel P. Jennings has been duly enrolled as a citizen by blood of the Choctaw Nation by this Commission and his enrollment as such approved by the Secretary of the Interior March 19, 1903.

It further appears from our records that Grotia Jennings, wife of Nathaniel P. Jennings, is an applicant to this Commission for enrollment as a citizen by intermarriage of the Chickasaw Nation, but no decision relative to her rights to final enrollment as such has yet been rendered by the Commission. As soon as a decision is reached in her case notice of the action taken by the Commission therein will be forwarded to her at Bower, Indian Territory.

It is not clearly understood what is meant by your request

H. F. J.

-2-

that vouchers be sent you and your wife.

Respectfully,

Chairman.

7-5628

Muskogee, Indian Territory, October 29, 1903.

M. P. Jennings,

Bower, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 22, in which you ask for a voucher. It is presumed that you desire to be furnished a voucher in order that you may draw your share of the money now being paid to citizens of the Chickasaw Nation.

You are informed, however, that it not appearing from our records that you have been recognized and enrolled by the Chickasaw tribal authorities as a citizen of that Nation and your name having been identified from the tribal rolls of the Choctaw Nation in the possession of the Commission, you have been enrolled by this Commission as a citizen by blood of the Choctaw Nation and your enrollment as such was on March 19, 1903, approved by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Chickasaw D 372

Muskogee, Indian Territory, February 16, 1904.

N. F. Jennings,

Bower, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of February 11, in which you ask if your wife, C. A. Jennings, has been approved as an intermarried citizen.

In reply to your letter you are advised that the Commission has not yet passed upon the application of Crotia Jennings, wife of Nathaniel F. Jennings, for enrollment as an intermarried citizen of the Choctaw nation. As soon as a decision is reached in this case she will be notified of the action taken therein.

Respectfully,

Commissioner in Charge.

9-D-372

Muskogee, Indian Territory, November 4, 1904.

Grotia Jennings,

Bower, Indian Territory.

Dear Madam:

You are hereby notified that before any further action can be taken in the matter of your application for enrollment as a citizen by intermarriage of the Chickasaw Nation, it will be necessary for you to furnish this Commission with a sworn statement giving the residence of your husband prior to your marriage to him. For this purpose there is enclosed you herewith a blank affidavit in interrogatory form which you are directed to take before some Notary Public and answer under oath the questions therein propounded, returning same to this office as soon as possible.

This matter should receive your immediate attention. An envelope for reply is enclosed herewith.

Respectfully,

Enc. Env. & JD 2.

Chairman.

9-D-378

Muskogee, Indian Territory, November 17, 1904.

Gretia A. Jennings,

Bower, Indian Territory.

Dear Madam:-

Receipt is hereby acknowledged of your affidavit in interrogatory form relative to the residence of yourself and your husband N. F. Jennings prior to your marriage, and the same has been filed with the records in the matter of your application for enrollment as an intermarried citizen of the Chickasaw Nation.

Respectfully,

Chairman.

9-D-372

Muskogee, Indian Territory, June 27, 1905.

COPY.

Crotia A. Jennings,

Bower, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered June 27, 1905, granting the application for your enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

James Bixby
Chairman.

Registered.

Incl. 9-D-372.

9-D-372

Muskogee, Indian Territory, June 27, 1905.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

COPY.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered June 27, 1905, granting the application for the enrollment of Oretia A. Jennings as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

James Dixby
Chairman.

Registered.

Incl. 9-D-372.

See 7-3123 for registry receipt for this letter.

Choc 5629

George Cann
(Kaen)
(Mc Cann)

5629

Original
by blood.

Department of the Interior.
Commission to the Five Civilized Tribes.
South McAlester, Indian Territory,
December 24, 1902.

-:-

In the matter of the application for enrollment as a
citizen by blood of the Choctaw Nation of George Kaen

Wilson S. James being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? Wilson S. James.
Q How old are you? A Fifty-four.
Q What is your post office address? A Hartshorne.
Q You are a recognized member of the Choctaw tribe of Indians?
A Yes, sir.
Q In what county do you live? A Jacks Fork.
Q Did you formerly live in Tobuckey? A Yes, sir.
Q Do you know an Indian by the name of George Kaen? A Yes, sir.
Q How old is he? A Twenty or maybe thirty.
Q How long have you known him? A Ever since he was born.
Q What is his mother's name? A Indians call it Wilkey Wilson.
Q Was she formerly called Kaen? A Yes, sir.
Q Do you know his stepfather Wallace Wilson? A Yes, sir.
Q Has this boy George Kaen always lived in the Choctaw Nation?
A Yes, sir.
Q In Tobuckey County? A Yes, sir.
Q Do you know anything about his having drawn his 1893 Leased
District money? A No, sir.

The name of George Kaen is found upon the 1893 leased
district pay-roll, Tobuckey County, page 97, No. 809.

Q Do you know where George Kaen gets his mail now? A Savannah.
Q George Kaen is a full blood Indian? A Yes, sir.

-:-

Chas. Diffendaffer being first duly sworn states that
as stenographer to the Commission to the Five Civilized Tribes, he
reported the proceedings had in the above entitled cause and that
the foregoing is a full, true and correct transcript of his steno-
graphic notes taken in said cause on said date.

Chas. Diffendaffer

Subscribed and sworn to before me this 3d day of January 1903.

Charles H. Hain

Notary Public.

Wax

7-5629.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
McALESTER, I. T., January 7, 1908.

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In the matter of the application for the enrollment of George Kaen as a citizen by blood of the Choctaw Nation.

R. B. COLEMAN being duly sworn testified as follows:
EXAMINATION BY THE COMMISSION:

- Q What is your name? A R. B. Coleman.
Q What is your post office address? A McAlester.
Q How old are you? A 59.
Q Were you acquainted with a Choctaw Indian by the name of George Kaen? A Yes sir.
Q About how old is he? A He would be about 20 or 21.
Q What was his post office address? A Blanco, at the time of his death.
Q What was his father's name? A I don't know.
Q What was his mother's name? A I don't know.
Q How much Choctaw blood does he possess? A Full blood.
Q When did he die? A About a year ago.
Q You are positive that he died since September 25, 1902? A Yes, sir; I am sure about that.
Q The date, as near as you can get at it, was in December, 1903?
A Yes, sir; I think he was returning from the Federal Court.
Q In what manner did he meet his death? A He was intoxicated and fell off the train.
Q He was a recognized citizen of the Choctaw Nation? A Yes, sir.
Witness exoused.

---oOo---

JONAS SEXTON being duly sworn testified as follows:
EXAMINATION BY THE COMMISSION:

- Q What is your name? A Jonas Sexton.
Q How old are you? A 38.
Q What is your post office address? A McAlester.
Q Were you acquainted with a Choctaw Indian by the name of George Kaen? A Yes, sir.
Q How much Choctaw blood did he have? A Full blood.
Q Did you know his father's name? A No, sir.
Q Did you know his mother's name? A No, sir.
Q How long were you acquainted with him? A Ten years.
Q How old would he be if he were living at the present time? A He would be about 25 or 30.
Q He was a recognized and enrolled citizen of the Choctaw Nation?
A Yes, sir.
Q When did he die? A He died about a year ago.
Q Can you give the month and the year in which he died? A No, I could not give that.
Q About when was it? A I could not say.
Q About a year ago? A Yes, sir.
Q Was it before or after the ratification of the agreement?
A I think since.
Q How long since? A Not long after it.

2.

Q. Was it a year after? A Yes, I believe it was about a year after.

Q You are absolutely sure that he was living on September 25, 1902, the date of the ratification of the Supplemental agreement?

A Yes, sir.

Q Has he got any relations living around here? A No, sir; not around here.

Witness excused.

I, Robert E. Grunert, stenographer to the Commission to the Five Civilized Tribes, on oath state that I reported all the proceedings had in the above entitled case on the 7th day of January, 1905, and that the foregoing is a full, true and correct transcript of my stenographic notes in said case.

Robert E. Grunert

Sworn to and subscribed before me this 10th day of January, 1905.

My commission expires
January 3, 1909.

Wirt Franklin
Notary Public.

7-5629

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
SOUTH McALESTER, I. T., January 10, 1906.

-oOo-

In the matter of the application for the enrollment of
George Kaen as a citizen by blood of the Choctaw Nation.

-oOo-

ALFRED W. McCLURE being duly sworn testified as follows:

EXAMINATION BY THE COMMISSION

- Q What is your name? A Alfred W. McClure.
Q How old are you? A 45.
Q What is your post office address? A South McAlester, Indian Territory.
Q Are you a citizen by blood of the Choctaw Nation? A Yes, sir.
Q Do you know a Choctaw Indian by the name of George Kaen? A Yes, sir.
Q What was his father's name? A I don't remember, he told me. Wallace Wilson was his step father.
Q What was his mother's name if you know? A All the name I knew her to go by was Wikey Wilson.
Q Is George Kaen a full blood Choctaw Indian? A Yes, sir.
Q Is he living? A No, sir, dead, at least he was reported dead. I saw him the evening before he was killed; he was here drinking. He got me to try to get his name on the roll. I told him he had better get up some evidence. He had also written to the governor about it. The governor wrote him to get up his evidence. When he got here that evening he was drinking right smart; said he was going to see Bob Benton to see if he could not get those affidavits. That was the last time I saw him, and heard the next day that he was killed by the train.
Q How was he killed did you say? A He was killed on the train; it was supposed that he fell off when under the influence of whiskey.
Q When was it that George Kaen was killed? A In the year 1903. I thought it was about June or July but the way the man made a sworn affidavit it was in May, 1903.
Q Who made the affidavit? A Lee Silmon; he identified the body.
Q But you are positive that it was some time between May and July, 1903, that George Kaen died? A Yes, it was somewhere along about that time.
Q Was George Kaen ever known by any other name than George Kaen? A A great many people called him McCann; the most of the full bloods called him Kaen.
Q Was he married? A I am not positive as to that. To the best of my knowledge he was. He was living with a woman as man and wife.
Q Do you know what his wife's name was? A No, sir; I don't remember.

George Kaen 2.

- Q Would you recognize her name is you heard it? A I think I would.
- Q Was it Melina Carnes? A I think it is Melina Carney.
- Q Who was the mother of George Kaen's wife? A I don't remember.
- Q Has George Kaen any children? A I was informed that he has one.
- Q What was that child's name? A Lindsay, I think.
- Q Was George Kaen always recognized as a citizen by blood of the Choctaw Nation? A Yes, sir.
- Q You never heard his citizenship disputed in any way did you?
- A No, sir.
- Q Was George Kaen a full blood Choctaw and a member of the "Snake" band at the time of his death? A He was a full blood Choctaw. I don't know whether he was a member of the "Snake" family. He said that Alfred Nail started to the Commission and he got him to put his name on the roll, and when Alfred Nail got back he told him that he put his name on the roll, and the fact is he never put him on the roll.
- Q Did George Kaen live with Alfred Nail? A I think so, part of the time. They had a home of their own. It seems to me that George Kaen was some relation to Alfred Nail.
- Q Alfred Nail was a member of the "Snake" band? A Yes, sir.
- Witness excused.

I, Robert E. Grunert, stenographer to the Commission to the Five Civilized Tribes, on oath state that I reported all the proceedings had in the above entitled case on the 10th day of January, 1905, and that the foregoing is a full, true and correct transcript of my stenographic notes in said case.

Robert E. Grunert

Subscribed and sworn to before me this 14th day of January, 1905.

Wirt Franklin
Notary Public.

My commission expires
January 3, 1906.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Cheetaw Nation, twelve miles south of
South McAlester, I. T., January 12, 1908.

--oOo--

In the matter of the application for the enrollment of
George Kaen as a citizen by blood of the Cheetaw Nation, 7-5629.
In the matter of the application for the enrollment of
Sophy Wilson and her children, Stephen Wilson, Sillain Wilson and
Robert Wilson as citizens by blood of the Cheetaw Nation, 7-D-860.
In the matter of the application for the enrollment
of Lizzie Carney as a citizen by blood of the Cheetaw Nation, 7-4736.
In the matter of the application for the enrollment of
Melissa McGann as a citizen by blood of the Cheetaw Nation, 7-4737.

--oOo--

Louisiana Carney, being duly sworn and examined through
sworn interpreter, Alfred W. McClure, testified as follows:

EXAMINATION BY THE COMMISSION.

Q What is your name? A Louisiana.
Q What is your full name? A Louisiana Carney.
Q How old are you? A She says she don't know her age but is
somewhere about thirty-four.
Q What is your post office address? A Chambers, Indian Territory.
Q Are you a full blood Cheetaw Indian? A Yes.
Q A recognized and enrolled citizen by blood of the Cheetaw Na-
tion? A Yes.
Q Do you know George Kaen? A Yes.
Q What relation, if any, is he to you? A Brother.
Q Did you have the same father and the same mother? A Yes.
Q What is your father's name? A Sampson Payne, she was told, was
her father. She was small when he died.
Q Was Sampson Payne the father of George Kaen also? A I don't
know.
Q Was your father ever known by the name of Wallace Wilson? A
says Wallace Wilson was her step father.
Q What was your mother's name? A Sophy Wilson.
Q Was your mother also known by the name of Wilkey Wilson? A That
was the Cheetaw name. Known by the name of Wikey among the
Cheetaws.
Q Is your mother living? A Dead.
Q When did she die? A She says she don't know but to the best
of her recollection it has been about four years ago.

The mother of the witness is identified as Sophy Wilson, No.
1 on Cheetaw Card Field No. D-860.

Q Was your mother a full blood Cheetaw Indian? A Yes.
Q Was your father also a full blood Cheetaw? A Yes, he was a
Cheetaw.
Q Can you give the day and the month and the year that your mother

George Kaen, et al. 2.

- died? A She says no, she don't believe she can.
- Q What time of the year was it, was it in the winter or summer?
- A In the winter.
- Q Now what month in the winter was it? A She says she thinks it was just about this time of the month in January.
- Q Are you positive then that it was January four years ago? A Yes just about that time four years ago.
- Q Then you are certain that it was January, 1901, that your mother Sophy Wilson died? A She says yes, she believes it was just about that time when she died.
- Q Is George Kaen living? A No, he is dead.
- Q When did he die? A She says it will be two years this coming May when he died.
- Q There is an affidavit here made by Lee Wilmon which states that George Kaen died on the 16th day of May, 1903, that would be two years ago from this coming May, is that affidavit correct?
- A She says that is correct.
- Q Was George Kaen married? A Yes, he was married.
- Q What was his wife's name? A Melina.
- Q Who is the mother of George Kaen's wife? A Jincy Hall was the mother of Melina.
- Q Was George Kaen also known by the name of George Carnes? A Yes, he was also known by the names of George Carnes, George Cann, George McCann and George Carney.
- Q Which one of these names was his correct name? A His correct name was Cann.
- Q Now was Melina, the wife of George Kaen, known by the name of Melina Carnes? A She says no, she was known by the name of Melina Anderson.
- Q Was her father's name Wesley Anderson? A Yes.
- Q After she married George Kaen was she known by the name of Melina Kaen or Carnes? A She says yes, by both names.

The wife of George Kaen is identified as Melina Carnes on Chectaw card field No. 4736, No. 13061 on the final roll of citizens by blood of the Chectaw Nation as approved by the Secretary of the Interior.

- Q Did George Kaen have any children by Melina Carnes? A Yes.
- Q Did he have more than one child by her? A Two, but one of them is dead.
- Q What is the name of the child that is living? A Lindsay.
- Q Was that child also known by the name of Lizzie? A She says no, only by Lindsay.
- Q Did Melina Carnes ever have any other children than this one that is dead and this Lindsay? A Yes, she had one child by the name of Lizzie before she married Kaen.
- Q Who was the father of that child? A She don't know.
- Q The name of the father is unknown is it? A She says Alfred Hall was the father.
- Q Is Lizzie Carnes, the daughter of Melina, living now? A Yes, she is living.
- Q When was the last time you saw Melina Carnes and her daughter Lizzie? A About four weeks ago last Sunday.
- Q How many children has Jincy Hall? A Four children.
- Q What are their names? A Gibson Anderson, Melissa McCann, Mollie Anderson and Melina Carnes.
- Q Who is the father of Melissa McCann? A William McCann.
- Q Is William McCann living? A Is dead.
- Q Was he a full blood Chectaw? A Yes, he was a Chectaw.

George Kaen, et al. 3.

- Q About how old is Melissa McCann? A About thirteen years.
- Q Was Melissa McCann born since the 1896 Chestaw Census Roll was made? A She says as near as she recollects she was born before 1896.
- Q Is Melissa McCann now living? A Yes.
- Q Were you present at the birth of Melissa McCann? A No, she was not present.
- Q But you do remember when said child was born and do know positively that it is the daughter of Jiney Nail and William McCann do you? A She says yes she is positive and knows it to be the child of Jiney Nail and William McCann, and remembers when it was born.
- Q Have you any brothers and sisters other than George Kaen? A Yes, she has a brother by the name of Stephen Wilson. He is a full brother. One by the name of Robert Wilson; he is dead. A sister by the name of Sillain.
- Q Are Stephen and Sillain Wilson living at the present time.
- A Yes, they are both living.
- Q Are they living here with you? A Sillain is living here with me and Stephen is in the Reform School.
- Q Until Stephen Wilson was sent to the Reform School you and your mother and all your brothers and sister had always lived in the Chestaw Nation had you? A Yes, they have lived here.
- Q Who is the father of Stephen, Sillain and Robert Wilson? A Wallace Wilson was the father.
- Q When did Robert Wilson die. A He died on the 20th day of December, 1902.
- Q You are positive of the fact are you? A Yes, she is positive as to that.
- Q Was your mother Sophy Wilson and your half brothers and sister Stephen, Sillain and Robert Wilson full blood Chestaw Indians and recognized citizens of the Chestaw Nation? A She says, yes, they have been recognized as full blood Chestaws.
- Q Is Wallace Wilson living? A Says he is dead.
- Q How long has he been dead? A About six years.
- Q Did you or any of your brothers and sisters ever make an application to the Commission for enrollment as citizens of the Chestaw Nation? A She says she don't know.
- Q You never heard of any of them making such application did you?
- A She says no, she has never heard of it.
- Q Did any one ever make such an application for any of you? A She says her husband Melis Carney went to have her name enrolled.
- Q Did he appear before the Commission for you? A She says yes, I think he did.
- Q At what time and place was this application made to the Commission by Melis Carney for your enrollment? A She says when the Commission was enrolling at McAlester.
- Q When was that? A Says about the year 1899 when the Commission was enrolling at McAlester.
- Q For whom did he apply at that time, for you alone or for you and your brothers and sister also, and for himself? A She says she don't know. She says he could testify to that better than she could.
- Q Do you know the name of Sophy Wilson's mother? A She don't know.
- Q Do you know the name of Sophy Wilson's father? A She says no.

Witness excused.

Melis (or Morris) Carney being duly sworn and examined through Alfred W. McClure, sworn interpreter, testified as fol-

George Kaen, et al. 4.

laws:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Nolis (or Morris) Carney.
Q About how old are you? A Thirty-six.
Q What is your post office address? A Chambers, Indian Territory.
Q Are you a full blood Choctaw and a citizen of the Choctaw Nation? A Yes, if you ever saw one or heard of one I am one of them.
Q Did you ever make an application to the Commission for enrollment as a citizen by blood of the Choctaw Nation? A Yes.
Q For whom did you make that application? A Nolis Carney, Louisiana Carney, my wife, Allen Carney, my child, Sampson Carney, my child. He says that is all that I enrolled at that time; he says in December the time they were enrolling at South McAlester he enrolled another. He enrolled Davison Carney, his child.
Q When and where was this first application that you speak of made? A He says he went there when they were--he says it was in 1899; he says they were at South McAlester in the court house room.
Q When was this second application for the enrollment of Davison Carney, your minor child, made, the one that you say was made at South McAlester? A He says the last application he made was through Dick Coleman.
Q Did you send a written application to the Commission for the enrollment of Davison Carney? A He says yes.
Q At the time that you made this application to the Commission in 1899 did they take your name down? A He says yes.
Q Do you know Sophy Wilson? A Yes, I knew her.
Q Has she any children? A Yes.
Q What are their names? A Louisiana Carney, George Kaen, Robert Wilson, Stephen Wilson and Sillain Wilson, that is all.
Q Are these all living, Sophy and her children. A No.
Q Which ones are dead? A George Kaen, Sophy Wilson, Robert Wilson.
Q When did Sophy Wilson die? A About four years ago.
Q In what month was it that she died? A Says in January; about January, I don't know the day of the month.
Q You say it was January four years ago, that would make it January, 1901, is that correct? A Yes.
Q You are positive of that fact are you? A Yes.
Q When did Robert Wilson die? A A little over two years ago.
Q What is the exact date of Robert Wilson's death? A On the 20th day of December, 1902.
Q Are you positive that that is the correct date? A Yes.
Q When did George Kaen die? A About the 18th day of May, 1903.
Q Are you certain that George Kaen died on that date? A Yes.
Q How did he meet his death? A He says he went to see his uncle and got killed by a train. He was on his way to see his uncle.
Q Who was the father of Stephen, Sillain and Robert Wilson? A Wallace Wilson.
Q When did he die? A About six years ago.
Q Was Wallace Wilson a full blood Choctaw Indian? A He was a full blood Chickasaw.
Q Was Sophy Wilson a full blood Choctaw? A Yes.

Witness excused.

George Kaen et al. 5.

Sillain Wilson called as a witness, being duly sworn and examined through sworn interpreter, Alfred W. McClure, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Sillain Wilson.
Q How old are you? A She says she don't know, but something over sixteen.
Q Are you a citizen by blood of the Choctaw Nation? A Yes.
Q What is your mother's name? A Sophy Wilson.
Q What is your father's name? A Wallace Wilson.
Q Is your father living? A No, dead.
Q When did he die? A Don't remember.
Q Was your father a citizen of any nation in Indian Territory?
A He was a Chickasaw.
Q A full blood Chickasaw? A Yes.
Q Was your mother a full blood Choctaw? A Yes.
Q Is your mother living? A No.
Q About when did she die? A Don't remember.
Q Have you any brothers and sisters? A She says she has one brother, Stephen Wilson.
Q Where is Stephen Wilson at the present time? A Says in the Reform School.
Q Did you have any other brother besides Stephen Wilson? She says she had a brother, Robert Wilson. Says he is dead.
Q When did Robert Wilson die? A She don't remember.
Q About how long ago was it? A I don't know.
Q Do you now wish to be enrolled by the Commission, you and your brother Stephen Wilson, as citizens by blood of the Choctaw Nation provided the Commission shall determine that you are entitled to such enrollment? A She says they get notice from the Dawes Commission from Atoka that they were on the rolls.
Q That Sillain Wilson was on the rolls? A Yes.

There is exhibited a letter from the Commission addressed to Cillin Wilson, Care Morris Garney, Savannah, Indian Territory, telling her that she is on the final roll as a citizen by blood of the Choctaw Nation, and that such enrollment was approved by the Secretary of the Interior on May 9, 1904, and further notifying her that she should appear at the land office and select her allotment. The Cillin Wilson in said letter, it appears from said letter, is listed on Choctaw card field No. 5701.

Witness excused.

Robert A. Grunert, stenographer to the Commission to the Five Civilized Tribes, on oath states that he reported all the proceedings had in the above entitled case on the 12th day of January, 1905, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case. *Robert A. Grunert*

Subscribed and sworn to before me this 20 day of January, 1905.

Charles H. Sawyer
Notary Public.

D.O. 1610-1903.

(Copy)

File in 7-5629.

EXECUTIVE OFFICE CHOCTAW NATION,
Green McCurtain, Principal Chief.

KINTAH, I.T., Jan. 14th, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Sirs:-

I met George McCan, a Choctaw Indian by blood, today in South McAlester, and he tells me he is having some trouble with the Dawes Commission, with reference to his enrollment.

I know George McCan to be a Choctaw Indian by blood; knew his father, Simpson McCan well. He was about a three quarter Choctaw. They have always lived in the Choctaw Nation and have always been recognized as Choctaw citizens. Through carelessness, George McCan was not on the roll of 1893 and did not receive his part of the leased district fund.

Very respectfully,

(Signed) Green McCurtain,

Principal Chief Choctaw Nation.

7-5539.

Muskogee, Indian Territory, January 31, 1903.

Hon. Green McCurtain,
Principal Chief Choctaw Nation,
Kintah, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 14th inst., relative to George McCan, a Choctaw Indian by blood. It is stated in your letter that he has informed you that he is having some trouble with the Commission with reference to his enrollment. You state further that you know George McCan to be a Choctaw Indian by blood, that he has always lived in the Choctaw Nation and been recognized as a Choctaw citizen; but that through carelessness, his name was not on the 1895 payroll and that he did not receive his pro rata share of the leased district fund.

You are informed that it appears from our records that on December 24, 1902, this Commission listed for enrollment as a citizen by blood of the Choctaw Nation one, George Kaen, 31 years of age, of Savanna, Indian Territory, upon the sworn statement of Wilson S. James. It appears from the information received at

7-5629.

Muskogee, Indian Territory, February 6, 1903.

Hon. Green McCurtain,

Principal Chief Choctaw Nation,

Kintah, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 24th ultimo, relative to George McGan (or Kaen). You state the correct name of this person is George McGann.

You are advised that your letter has been duly filed with the records of the Commission in the matter of the application for enrollment of George Kaen as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner in Charge.

Choctaw 5629

Muskogee, Indian Territory May 28, 1903.

W. B. Hailey,

Savanna, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 28th, in which you give information concerning the three Cairnes children about whom you inquired in a previous letter. You state that their names are George Cairnes, and Stephen and Seely Wilson his half brother and sister. You further state that the mother's name was Wickey Cairnes but after the death of her first husband Jimpson Cairnes she was married to Wallace Wilson, who is also now dead; that the mother drew her leased district money at Wilburton. You also state that you have been informed that these children were influenced by the "Snake" Indians and the reason they have not registered before but that they are now anxious to be enrolled if possible.

In reply to your letter you are informed that it appears from our records that Wallace and Wickey Wilson, George Kach and Robert, Stephen and Cillin Wilson drew their leased district payment in Tobaccokey bounty, Choctaw Nation.

You are further informed that it appears from our records, that George Kach, a full blood Indian about twenty-one years of age,

W H H - 2

who appears as the son of Wiley and Wallace Wilson, has been listed by this Commission as a citizen by blood of the Choctaw Nation. It is believed that this is the person to whom you refer as George Cairnes. You are advised however that it does not appear from our records that any application has been made to this Commission by or on behalf of Stephen or Seely Wilson for enrollment as citizens of the Choctaw Nation.

Under the provisions of the act of Congress of July 1, 1902 which was ratified by the Choctaw and Chickasaw Nations September 26, 1902, the Commission is now without authority to receive or consider any original applications for enrollment in the Choctaw Nation.

Respectfully,

Commissioner in Charge.

7-5629

Muskogee, Indian Territory, August 8, 1904.

Alfred W. McClure,

McAlester, Indian Territory.

Dear Sir :-

This office has been advised that George Kaen, sometimes known as George Cann, or McCann, has died since he was listed as a citizen by blood of the Choctaw Nation, December 24, 1902.

For the purpose of making his death a matter of record, there is enclosed herewith a blank for proof of death, which you are kindly requested to have properly executed by some of his relatives, if possible, and return at your earliest convenience in the enclosed envelope.

Respectfully,

Env. D. C.

Commissioner in Charge.

Choc 5630

Belle Murray

5630

BEFORE COMMISSION FIVE CIVILIZED TRIBES.

In Matter application of
Belzora Ward Murray
Choctaw Indian.

H. Clay of lawful age being sworn, deposes and says:

My name is Henry Clay, am 50 years old and reside in South McAlester, Indian Territory. My profession is that of a school teacher, have taught school in the Choctaw Nation off and on for about 25 years. I know the applicant Mrs. Belzora Ward Murray. She was a pupil of mine in the fall or winter of 1874 and 1875. At that time she was about 10 or 11 years of age, and her name was Belzora Ward. While attending my school during the years mentioned, she was recognized as a Choctaw citizen and her tuition was paid by the Choctaw Nation through its constitutional officers. My school was located in the Walls neighborhood and was near what was then known as Hickory Grove, now known as Hackett City, Arkansas. Walls neighborhood was in the Choctaw Nation and its school taught by me was a regular Choctaw neighborhood school. I held a teachers certificate from District Trustee, Edward McCartain, which authorized me to teach Choctaw Children. I presented my report to Trustee McCartain, in person, who ratified and endorsed the same by giving me a voucher on the National Trustees for the amount due me. Belzora Wards name was among the names of the other Choctaw Children who had attended my school and her tuition was paid by the Nation on that occasion along with the other Choctaw pupils.

H. Clay.

Subscribed and sworn to before me, on this the 26th, day of June A. D.,
1898.

P. S. Lester,
Notary Public.

My commission expires Sept. 20, 1901.
(SEAL)

Commission to the Five Civilized Tribes,
Atoka, I. T., June 5, 1900,

In the matter of the application of Bell Murray for the enrollment of herself and children as Choctaws by blood; being sworn and examined by Commissioner Bixby she testifies as follows:

- Q What is your name? A Bell Murray.
Q How old are you? A Thirty-eight.
Q What is your post-office address? A Bennington, I. T.
Q Do you live at Bennington? A Yes sir, close to there.
Q Are you a Choctaw? A Yes sir.
Q Do you make application for enrollment as a Choctaw by blood?
A Yessir.
Q Who was your father? A John Ward, he is dead.
Q Did he claim to be Choctaw? A Yessir.
Q Was he on the Choctaw rolls when he was alive? A I don't know.
Q To what county did he claim to belong in the Choctaw Nation?
A I don't know.
Q What was the name of your mother? A Becky.
Q Is she living? A No sir.
Q Did she claim to be Choctaw? A No sir.
Q She was a citizen of the United States was she? A Yes sir.
Q Didn't claim citizenship in any of the Five Tribes?
A Only by marriage.
Q To what county in the Choctaw Nation do you claim to belong?
A Do you mean where I have been?
Q No, to what county in the Choctaw Nation do you claim to belong?
A Skullyville I reckon.
Q How long have you lived in the Indian Territory? A I have been here off and on all my life; I have been here nine years the last time.
Q Have you lived continuously in the Indian Territory during the past nine years? A Yes sir.
Q Haven't been outside? A No sir.
Q Have you ever been enrolled by the Choctaw Tribal officers?
A Yes sir.
Q When? A In 1893 and in 1896.
Q Is your name now on the rolls? A I guess so. It ought to be.

This case continued until to-morrow, June 6th, 1900, at 8:30 A.M., it now being 5 P.M., the hour for adjourning.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case, and that the foregoing is a full, true and complete copy of transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 7 day of June 1900.

M.D. Green
Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.

In the matter of the application of Belle Murray
for the enrollment of herself and her minor children,
Milton, Nora, Frank and Oscar Coy, and Arthur,
Howard and Liddie Murray, as citizens by blood of
the Choctaw Nation.

---D 160---

On the 27th day of February, 1902, the principal applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of Belle Murray, Milton Coy, Nora Coy, Frank Coy, Oscar Coy, Arthur Murray, Howard Murray and Liddie Murray, for enrollment as citizens of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office at Muskogee, Indian Territory, on the fourth day of April, 1902, for final consideration.

Now, on this 4th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear, and the applicants, being called, failed to appear either in person or by attorney.

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 4th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 6th day of April, 1902.

Clarence Mitchell Wood

Notary Public.

Chootaw D-160.

Muskogee, Indian Territory, February 27, 1902.

Belle Murray,

Bennington, Indian Territory.

You are hereby notified that the application for enrollment of yourself and your children, Milton Coy, Nora Coy, Frank Coy, Oscar Coy, Arthur Murray, Howard Murray and Liddle Murray, as citizens of the Chootaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 4th, day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the Representatives of the Chootaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

T. B. Needles,

Commissioner in Charge.

Register.

Commission to the Five Civilized Tribes,

South McAlester, Ind. Terr.

In the enrollment of Arabella Murray as a Choctaw; James H. Boatwright being sworn and examined by Com'r McKennon states:

Q What is your name? A James H. Boatwright.

Q How old are you? A Thirty.

Examined by Choc Com'r Lewis:

Q Did you know a woman named Bell or Arabella, that married a man named Coy, Bill Stanton's half-sister or sister, I think her maiden name was Ward? A I don't have any recollection of her.

Q Didn't I ask you something about her once before, she was up here about a month ago? A It must have been Tom you asked about it.

Thomas J. Boatwright being sworn and examined testifies:

Q What is your name? A Thomas J. Boatwright.

A How old are you? A Thirty-seven.

Questioned by Choc Com'r Lewis: Q Was you acquainted with a half-sister to Bill Stanton's wife, Henry's mother? A Yessir.

Q Do you know what her father was named? A No I don't, I was small, I was acquainted with her, and I haven't seen her since I was about twelve or thirteen years old; she lived here with Stanton then; I got acquainted with them in Texas before they come here.

Q Did they claim to be Choctaws then? A Not that I ever heard of.

Q When she was here she wasn't recognized as a Choctaw? A Not that I knew of; I never heard of it until here a short while ago.

Q Stanton's wife never claimed to be a Choctaw? A No.

Arabella Murray, Thomas J. Boatwright, witness #2)

Q And their mother was the same woman, Stanton's wife's mother
and this other woman? A Yes sir, they had a different father;

I think Stanton's wife's mother went by the name of Boles; she was
a widow woman; I don't know whether Arabella's father was named
Boles or not.

Q Did you know her when she married Coy? A Yes sir. I knew
her before; I knew her when she was a girl.

Q So far as you remember had she never claimed any citizenship?

A No sir.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify upon my official oath as
stenographer to the named Commission, that this
transcript is a true and correct translation of
my stenographic notes.

M. D. Green

Commission to the Five Civilized Tribes,

South McAlester, Ind. Terr.

In the enrollment of Arabella Murray as a Choctaw; William H. Stanton being sworn and examined by com'r McKennon states:

Q What is your name? A William H. Stanton.

Q How old are you? A Twenty-seven.

Examined by Choc com'r Lewis: Q Hasn't your mother got a sister that used to live here, named Arabella? A She has a half-sister, that has been my understanding, I was too small to remember anything about it much, but I suppose she is a half-sister to my mother.

Q You have seen her? A Yes sir, I saw her a few months ago.

Q Was she ever recognized as an Indian when she was here?

A I couldn't say, I don't know whether she was or not.

Q Didn't she marry a man named Coy? A Yes sir.

Q That is the same woman is it? A Yes sir.

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify that the official public stenographer to the Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. Green

Commission to the Five Civilized Tribes,

South McAlester, Ind. Ter.

as a Choctaw;

In the enrollment of Arabella Murray, Newton Rozel being sworn and examined by com'r McKennon testifies as follows:

Q What is your name? A Newton Rozel.

Q How old are you? A Fifty.

Examined by Choctaw com'r Lewis:

Q Was you acquainted with a woman named Arabella, who married a man named Coy, she was a half-sister to your wife's mother?

A I know her, and that's about all.

Q When you knew her it was before she was married to Coy?

A Yes sir, I knew her before and afterwards.

Q Did she ever claim to be a Choctaw when she was living around here? A Not to my knowledge.

Q She was a half-sister to your wife's mother? A That is what they said.

Q Your wife's mother was a white woman wasn't she? A Yes sir.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify on my official oath as stenographer to the named Commission, that this transcript is a true and correct translation of my stenographic notes.

M. D. Green

Commission to the Five Civilized Tribes,

Durant, Indian Territory.

In the enrollment of Belzora Murray as a Choctaw; ~~being~~ Mary Cannon being sworn and examined by Commissioner McKennon states:

Q What is your name? A Mary Cannon

Q How old are you? A I won't be positive, I think I will be fifty my next birth-day.

Q Did you know John Ward? A Yes sir

Q Did you know his wife, Rebecca Ward? A Yes sir, she was my mother.

Q Were you present at their marriage? A Yes sir.

Q He was not your father? A No sir, he was my step-father.

Q You saw them married? A Yes sir

Q Where? A It was in the Nation; Choctaw Nation.

Q About how long ago? A I was small; I wasn't but about ten or eleven years old.

Q Who performed the ceremony? A I don't know that; I didn't know the man.

Q Was it a preacher or an officer? A It was a preacher of course.

Ben Cannon being sworn and examined testifies:

Q What is your name? A Ben Cannon

Q How old are you? A Forty-six.

Q What do you know about this matter? A I married into this family in Texas.

Q You are a relative of these? A Yes sir.

Q What relation? A My wife is half-sister to this man's wife.

Q You met them in Texas? A Yes sir.

Q When did they come here? A They have lived in the Territory pretty near all the time.

Department of the Interior,
Commissioner of Indian Affairs.
I hereby certify that the official oath as
steno-graphic notes, that this
transcript is a true and correct translation of
my stenographic notes.

McD Green

Belzora Murray- Ben Cannon witness #2)

When did they first come to the Territory? A It has been
a good while back.

Q One hundred years or five years or how many? A He and
her mother first moved to McAlester I expect twenty-five years ago.

Q How long did they stay in the Territory? A They must have
staid four or five years, and they went back into Texas.

Q How long did they stay in Texas? A Not very long ; I
don't know any specified time.

Belzora Murray being sworn and examined testifies:

Q What is your name? A Belzora Murnay.

Q How old are you? A Thirty-seven.

Q What was your mother's name? A Becky Ward, and my father
John Ward.

Q When did you first come to the Territory? A When I was
about eight or nine years old.

Q How long did you stay here? A I staid here until in '78.

Q You went back to Texas then? A Yes sir.

Q How long did you stay there? A Ten or twelve years.

Q You came back here then about what year? A I couldn't tell
the year, I have been back about eight years the last time.

Q You have been here all the while ever since? A Yes sir

Q Haven't been anywhere else except in the Territory? A Nosir.

Q Did you give Mr. Farr half the money you got out of the Leased
District Payment to get you on the roll? A No sir.

Questioned by Choc. Com'r Lewis)

Q You swear that positively? A Yes sir, I do; I never done it

Q Aint you a half-sister to Bill Stanford's first wife? A Yes
sir, she was my father's step-daughter.

Q What was your maiden name? A Belzora Ward.

Q Who was your father? A John Ward.

Choctaw-5630

In the matter of the application
of Belle Murray et al for en-
rollment as citizens by blood of
the Choctaw Nation.

*Protest overruled by
Department June 7, 1904*

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

FEB -6 1904


[Signature]
CHAIRMAN

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Belle Murray and her children, Milton, Nora, Frank and Oscar Coy, and Arthur, Howard, Liddie and Aldie L. Murray, as citizens by blood of the Choctaw Nation, Choctaw Field No. 5630.

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that no further action be taken in connection with allotment of lands to these persons until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Mattie Lee Armstrong, et al., vs. Choctaw and Chickasaw Nations, No. 59 on the Tishomingo Docket, in which the said court will decide the question of what compliance, by the applicants or their ancestors, with the third or the fourteenth articles of the treaty of 1830 was necessary in order to be entitled to enrollment and to participation in the distribution of tribal property of the Choctaws and Chickasaws, notwithstanding their recognition as citizens by the tribal authorities of the Choctaw Nation, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretart of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.


Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Belle (or Belzora) Murray, and her children, Milton Coy, Nora Coy, Frank Coy, Oscar Coy, Arthur Murray, Howard Murray, Liddie Murray and Aldie L. Murray as citizens by blood of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the census card and other records in this case that Belle (or Belzora) Murray appeared before the Commission at Antlers, Indian Territory, on May 15, 1899, and made personal application for the enrollment of herself and her children Milton Coy, Nora Coy, Frank Coy, Oscar Coy, Arthur Murray and Howard Murray as citizens by blood of the Choctaw Nation, and thereafter at Durant, Indian Territory, during the session of the Commission thereat beginning August 14, 1899, and ending August 18, 1899, and at South McAlester, Indian Territory, during the session of the Commission thereat beginning September 4, 1899, and ending September 13, 1899, and at Atoka, Indian Territory, on June 5, 1900, further proceedings were had in this case, and the principal applicant also filed formal proof of birth of the minor applicants Liddie Murray and Aldie L. Murray.

It further appears from the evidence offered in support of this application that the applicant herein are Choctaw Indians by blood and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission discloses the names of the applicants, Belle Murray and Arthur Murray upon the 1896 census roll of the Choctaw Nation at page 219, Nos. 8742 and 8743 thereof, and the names of the applicants Milton Coy, Nora Coy, Frank Coy and Oscar Coy upon said Choctaw census roll at page 67, Nos. 2796, 2797, 2798 and 2799 respectively, thereof, as citizens by blood.

#2

It further appears from the testimony submitted that said Howard Murray was born March 20, 1898, said Liddie Murray was born January 12, 1900, and said Aldie L. Murray was born April 6, 1902, and that all of said minor applicants are the children of said Belle (or Belzora) Murray.

It further appears that said Belle Murray has resided continuously in Indian Territory since about the year 1890, and the minor children, for whom application is made, have resided in Indian Territory continuously since the respective dates of their birth.

It is, therefore, the opinion of this Commission that the application for the enrollment of Belle (or Belzora) Murray, Milton Coy, Nora Coy, Frank Coy, Oscar Coy, Arthur Murray, Howard Murray, Liddie Murray and Aldie L. Murray as citizens by blood of the Choctaw Nation should be granted under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

DEC 8 1902

IN RE

Application for Enrollment of
INFANT CHILD

as a citizen of the

Nation.

Approved July 12, 1900. 190

Commissioner.

F I L E D

July 12, 1900.

Tams Bixby,

Acting Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
of Howard Murray, born on the 20, day of March, 1898, ~~xxx~~
(Here insert name of child.)
Name of Father: Marion O Murray, a citizen of the by marriage Choctaw Nation.
Name of Mother: Belle Z. Murray, a citizen of the Choctaw Nation.
by blood. Post-Office: Bennington, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY,
Central District. }

I, Belle Z. Murray, on oath state that I am ~~thirty eight~~
years of age and a citizen, by blood, of the Choctaw Nation;
that I am the lawful wife of M. O. Murray, who is a citizen, by
Marriage, of the Choctaw Nation, that a male child was
(Male or female.)
born to me on the 20, day of March, 1898, ~~xxx~~; that said child has been
named Howard Murray, and is now living.

Belle Z. Murray.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 9th, day of July, 1900.

(SEAL)

C. C. McClard.

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY,
Central District. }

I, Mary Cannon, a Midwife, on oath state that I
attended on Mrs. Belle Murray, wife of M. O. Murray,
on the 20, day of March, 1898, ~~xxx~~; that there was born to her on said
date a male child; that said child is now living and is said to have been
(Male or female.)
named Howard.

WITNESSES TO MARK:

Mary Cannon.

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 9th, day of July, 1900.

(SEAL)

C. C. McClard.

Notary Public.

*IN RE**Application for Enrollment of*
INFANT CHILD

as a citizen of the

Nation.

Approved July 12, 1900

Commissioner.

*F I L E D**July 12, 1900.**Tams Bixby,**Acting Chairman.*

DEPARTMENT OF THE INTERIOR, COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
of Liddie Murray, born on the 12, day of January, 1900
(Here insert name of child.)
Name of Father: Marion O. Muray, a citizen of the by marriage, Choctaw Nation.
Name of Mother: Belle Z. Murray, a citizen of the Choctaw Nation.
Post-Office: Bennington, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Central District. }

I, Belle Z. Murray, on oath state that I am thirty eight
years of age and a citizen, by Blood, of the Choctaw Nation;
that I am the lawful wife of M. O. Murray, who is a citizen, by
marriage, of the Choctaw Nation, that a female child was
(Male or female.)
born to me on the 12, day of January, 1900; that said child has been
named Liddie Murray, and is now living.

Belle Z. Murray.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 9th, day of July, 1900.

(SEAL)

C. C. McClard.

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Central District. }

I, Nancy M. Carpenter, a Midwife, on oath state that I
attended on Mrs. Belle Z. Murray, wife of M. O. Murray,
on the 12, day of January, 1900; that there was born to her on said
date a female child; that said child is now living and is said to have been
(Male or female.)
named Liddie Murray.

Nancy M. Carpenter.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 9th, day of July, 1900.

(SEAL)

C. C. McClard.

Notary Public.

*IN RE**Application for Enrollment of
INFANT CHILD*

as a citizen of the

Nation.

Approved May 20, 1902⁹⁰

T. B. Needles
Commissioner.

F I L E D**May 20, 1902.****Tams Bixby,****Acting Chairman.**

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
 of Aldie L. Murray, born on the 6th day of April, 1902
(Here insert name of child.)
 Name of Father: M. O. Murray, a citizen of the United States Nation.
 Name of Mother: Belle Z. Murray, a citizen of the Choctaw Nation.
 Post-Office: Bennington, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY,
Central District. }

I, Belle Zora Murray, on oath state that I am 40
 years of age and a citizen, by Birth, of the Choctaw Nation;
 that I am the lawful wife of Marion O. Murray, who is a citizen, by
marriage, of the Choctaw Nation, that a female child was
(Male or female.)
 born to me on the 6th day of April, A.D. 1902; that said child has been
 named Aldie L. Murray, and is now living.

Belle Z. Murray

WITNESSES TO MARR:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 17th day of May, 1902

(SEAL)

C. C. McClard

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY,
Central District. }

I, Nancy Boley, a midwife, on oath state that I
 attended on Mrs. Belle Z. Murray, wife of M. O. Murray,
 on the 6th day of April, A.D. 1902; that there was born to her on said
 date a female child; that said child is now living and is said to have been
(Male or female.)
 named Aldie L. Murray.

WITNESSES TO MARR:

Nancy Boley.

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 17th day of May, 1902

(SEAL)

C. C. McClard.

Notary Public.

CHOCTAW

20

INDEXED

IN RE

Application for Enrollment of
INFANT CHILD

Addie L. Murray

as a citizen of

Nation.

Approved

MAY 20 1902

190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAY 20 1902

ACTING CHAIRMAN.

CHOCTAW

B160

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Aldie L. Murray, born on the 6th day of April, 1902
(Here insert name of child.)
Name of Father: M. O. Murray a citizen of the United States Nation
Name of Mother: Belle J. Murray a citizen of the Choctaw Nation.
Post-office Bennington I.D.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, Belle J. Murray, on oath state that I am 40
years of age and a citizen, by Birth, of the Choctaw Nation;
that I am the lawful wife of Marion O. Murray, who is a citizen, by
Marriage, of the Choctaw Nation; that a Female child was
(male or female.)
born to me on 6th day of April A.D. 1902 that said child has been
named Aldie L. Murray, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this

17th day of May
C. C. McCloud

1902

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, Nancy Boley, a midwife, on oath state that I
attended on Mrs. Belle J. Murray, wife of M. O. Murray
on the 6th day of April A.D. 1902 that there was born to her on
said date a Female child; that said child is now living and is said to have been
(male or female.)
named Aldie L. Murray.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this

17th day of May
C. C. McCloud

1902

NOTARY PUBLIC.

COPY.

Choctaw-D-160

Muskogee, Indian Territory, December 8, 1902.

Belle (or Belzora) Murray,
Bennington, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission, rendered December 8, 1902, granting the application of yourself and your eight minor children, Milton Coy, Nora Coy, Frank Coy, Oscar Coy, Arthur Murray, Howard Murray, Liddie Murray and Aldie L. Murray for enrollment as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision, and have been allowed fifteen days from this date within which to file protest against the enrollment of yourself and your eight minor children, Milton Coy, Nora Coy, Frank Coy, Oscar Coy, Arthur Murray, Howard Murray, Liddie Murray and Aldie L. Murray as citizens by blood of the Choctaw Nation, and if, at the expiration of that time no protest has been filed, the said Belle (or Belzora) Murray, Milton Coy, Nora Coy, Frank Coy, Oscar Coy, Arthur Murray, Howard Murray, Liddie Murray and Aldie L. Murray will be regularly listed for enrollment as citizens of the Choctaw Nation.

Respectfully,

(SIGNED)

Tams Dixby

Acting Chairman

Registered.

Dec. 11. 0

COPY.

Choctaw-D-160

Muskogee, Indian Territory, December 8, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered December 8, 1902, granting the application of Belle (or Belzora) Murray and her eight minor children, Milton Coy, Nora Coy, Frank Coy, Oscar Coy, Arthur Murray, Howard Murray, Liddle Murray and Aldie L. Murray for enrollment as citizens by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the said Belle (or Belzora) Murray and her eight minor children, Milton Coy, Nora Coy, Frank Coy, Oscar Coy, Arthur Murray, Howard Murray, Liddle Murray and Aldie L. Murray as citizens of the Choctaw Nation, and make satisfactory proof of service of said protest upon the applicants herein. If you fail to file a protest within the time allowed, these applicants will be regularly listed for enrollment.

Respectfully,

(SIGNED)

Registered.

Tamie Bixby

Acting Chairman.

Enc. MT. 10.

IN RE

Application for Enrollment of

INFANT CHILD

Howard Murray

as a citizen of the

CHOCTAW. Nation.

Approved, *Jul 12* 1900 190
Commissioner.DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUL 12 1900


ACTING CHAIRMAN.

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the *Choctaw* Nation,
 of *Howard Murray*, born on the *20* day of *March*, 1898
 (Here insert name of child.)
 Name of Father: *Marion Murray*, a citizen of the *Choctaw* Nation,
 by marriage
 Name of Mother: *Belle F. Murray*, a citizen of the *Choctaw* Nation,
 by blood Postoffice, *Birmingham I.T.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

INDIAN TERRITORY.

Central District.

I, *Belle F. Murray*, on oath state that I am *Thirty Eight*
 years of age and a citizen, by *Blood*, of the *Choctaw* Nation;
 that I am the lawful wife of *M. O. Murray*, who is a citizen, by
marriage, of the *Choctaw* Nation; that a *male* child was
 (male or female)
 born to me on the *20* day of *March*, 1898; that said child has been
 named *Howard Murray*, and is now living.

WITNESSES TO MARK:

Belle F. Murray(Must be Two
Witnesses.)Subscribed and sworn to before me this *9* day of *July*, 1900*C. C. McCloud*

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

INDIAN TERRITORY.

Central District.

I, *Mary Cannon*, as *midwife*, on oath state that I
 attended on Mrs. *Belle Murray*, wife of *M. O. Murray*,
 on the *20* day of *March*, 1898 that there was born to her on
 said date a *male* child; that said child is now living and is said to have been
 (male or female)
 named *Howard*

WITNESSES TO MARK:

Mary Cannon(Must be Two
Witnesses.)Subscribed and sworn to before me this *9* day of *July*, 1900*C. C. McCloud*

NOTARY PUBLIC.

IN RE

Application for Enrollment of

INFANT CHILD

Liddie Murray

as a citizen of the

CHOCTAW. Nation.

Approved, JUL 12 1900 190


Commissioner.DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUL 12 1900


ACTING CHAIRMAN.

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
 of Liddie Murray, born on the 12 day of January, 1900
(here insert name of child)
 Name of Father: Marion O. Murray, a citizen of the Choctaw Nation.
 Name of Mother: Belle G. Murray, a citizen of the Choctaw Nation.
 Postoffice, Bennington, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,)

INDIAN TERRITORY.

Central District.)

I, Belle G. Murray, on oath state that I am Thirty Eight-
 years of age and a citizen, by Blood, of the Choctaw Nation;
 that I am the lawful wife of M.O. Murray, who is a citizen, by
marriage, of the Choctaw Nation; that a female child was
(male or female)
 born to me on the 12 day of January, 1900; that said child has been
 named Liddie Murray, and is now living.

WITNESSES TO MARK:

Belle G. Murray(Must be Two
Witnesses.)Subscribed and sworn to before me this 9 day of July, 1900G. B. McEland

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,)

INDIAN TERRITORY.

Central District.)

I, Nancy M. Carpenter as midwife, on oath state that I
 attended on Mrs. Belle G. Murray, wife of M.O. Murray,
 on the 12 day of January, 1900; that there was born to her on
 said date a female child; that said child is now living and is said to have been
(male or female)
 named Liddie Murray.

WITNESSES TO MARK:

Nancy M. Carpenter(Must be Two
Witnesses.)

Subscribed and sworn to before me this

9 day of July, 1900
G. B. McEland

NOTARY PUBLIC.

The Doctor
Amge

Before Commissioner of the Geological Survey

In matter application
of Belzora Wood-Murray
Choctaw Indian.

74 Clay of lawful
age being sworn deposes & says my
name is Henry Clay and am 60 years
old and reside in South Thacker
Indian Territory. My profession is
that of a school teacher have taught
school in the Choctaw Nation ^{off on} for about
25 years. I know the applicant Mrs.
Belzora Wood-Murray. She was a pupil
of mine in the fall ~~of~~ or winter of
1874 & 1875. At that time she was
~~at that time~~ about 10 or 11 years of
age and her name was Belzora Ward.
While attending my school ~~which~~ during
the years mentioned she was recognized
as a Choctaw citizen and her tuition
was paid by the Choctaw Nation through
its constitutional officers. My school
was located in the Walls neighborhood
was near what was then known as
Hickory Grove, now known as Hickory
City Arkansas. Walls neighborhood was
in the Choctaw Nation and the school
taught by me was a regular Choctaw
neighborhood school. I had a better
certificate from District Judge Edward
McCurran which authorized me to

1 with chosen children. I presented
2 my report to Justice McQuinn in
3 person who ratified & endorsed
4 the same by giving me a voucher
5 on the National Treasury for the
6 amount due me. Belzora Horde
7 name was among the names of
8 the other chosen children who had
9 attended my school and the
10 tuition was paid by the Nation
11 on that occasion along with the
12 other chosen people.

H. Clay

13 Subscribed voucher to sign me
14 on this the 26th day of June
15 A.D. 1899

By Justice

Justice Public

19 My Commission expires Sept 20th 1901

Mustang, Indian Territory, July 12, 1900.

Mr. Marion O. Murray,

Hennington, Indian Territory,

Mustang.

The Commission is in receipt of the application for enrollment as a citizen of the Choctaw Nation of Howard Murray, the infant son of Belle K. and Marion O. Murray, born March 20th, 1898, and the application for enrollment as a citizen of the Choctaw Nation of Lida Murray, the infant daughter of Belle K. and Marion O. Murray, born January 18th, 1900, and the same, being in proper form, have been duly filed with the records of the Commission.

Yours truly,

Acting Chairman.

7-2 160

Muscogee, Indian Territory,

August 16th, 1900.

Belle Murray,

Bennington, Indian Territory,

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs. McEnnis, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment and the enrollment of Milton, Flora, Frank, Oscar Roy, Arthur, Howard, and Eddie Murray as citizens of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-100/

7 D 60

Muskogee, Indian Territory, May 20, 1902.

M. O. Murray,

Bennington, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw nation of Aldie L. Murray infant daughter of M. O. and Belle Z. Murray, born April 6, 1902 and the same being in proper form has been duly filed with the records of the Commission as evidence of the birth of this child.

Yours truly,

Commissioner in Charge.

7-D-180.

Muskogee, Indian Territory. December 1, 1903.

Belle Murray.

Bennington, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of the affidavit of P.H. Sain relative to the death of Aldia L. Murray, a citizen by blood of the Choctaw Nation, which occurred October 10, 1903; and the same being in proper form has been duly filed with the records of the Commission, as evidence of death of the above named person.

Respectfully,

Acting Chairman.

OPY.

Choctaw-D-160

Muskogee, Indian Territory, December 8, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered December 8, 1902, granting the application of Belle (or Belzora) Murray and her eight minor children, Milton Coy, Nora Coy, Frank Coy, Oscar Coy, Arthur Murray, Howard Murray, Liddie Murray and Aldie L. Murray for enrollment as citizens by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the said Belle (or Belzora) Murray and her eight minor children, Milton Coy, Nora Coy, Frank Coy, Oscar Coy, Arthur Murray, Howard Murray, Liddie Murray and Aldie L. Murray as citizens of the Choctaw Nation, and make satisfactory proof of service of said protest upon the applicants herein. If you fail to file a protest within the time allowed, these applicants will be regularly listed for enrollment.

Respectfully,

Registered.

Enc. MT. 10.

James T. ...
Acting Chairman.

COPY.

Choctaw-D-160

Muskogee, Indian Territory, December 8, 1902.

Belle (or Belzora) Murray,
Bennington, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission, rendered December 8, 1902, granting the application of yourself and your eight minor children, Milton Coy, Nora Coy, Frank Coy, Oscar Coy, Arthur Murray, Howard Murray, Liddie Murray and Aldie L. Murray for enrollment as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision, and have been allowed fifteen days from this date within which to file protest against the enrollment of yourself and your eight minor children, Milton Coy, Nora Coy, Frank Coy, Oscar Coy, Arthur Murray, Howard Murray, Liddie Murray and Aldie L. Murray as citizens by blood of the Choctaw Nation, and if, at the expiration of that time no protest has been filed, the said Belle (or Belzora) Murray, Milton Coy, Nora Coy, Frank Coy, Oscar Coy, Arthur Murray, Howard Murray, Liddie Murray and Aldie L. Murray will be regularly listed for enrollment as citizens of the Choctaw Nation.

Registered.

Respectfully,

(SIGNED)

James P. Kirby
Acting Chairman.

Enc. No. 2

Muskogee, Indian Territory, February 7, 1903.

M. O. Murray,

Bennington, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 31, asking relative to the grades of the lands of the Choctaw and Chickasaw Nations.

In reply to your letter you are informed that if you will furnish a description of the land which you desire to select for allotments for your wife and family you will receive a plat showing the classification thereof and a schedule of the appraised value of the lands of the Choctaw and Chickasaw Nations.

Respectfully,

Acting Chairman.

Chester 11480.

Muskogee, Indian Territory, February 6, 1904.

Belle Murray,

Bennington, Indian Territory.

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Chectaw and Chickasaw Nations, dated January 23, 1904, no further action will be taken in connection with the allotment of lands of the Chectaw-Chickasaw Nations to Belle Murray, Milton Coy, Nora Coy, Frank Coy, Oscar Coy, Arthur Murray, Howard Murray, Liddle Murray and Aldie L. Murray, until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Choctaw 5630

Muskogee, Indian Territory, February 16, 1904.

M. O. Murray,

Bennington, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of February 11, in which you refer to the protest filed by the attorneys for the Choctaw and Chickasaw Nations against allotment of the lands of the Choctaw and Chickasaw Nations to your wife and children.

In reply you are advised that this protest was filed under authority granted by the Secretary of the Interior in his communication to the Commission of November 16, 1903, and further than this we are unable to give you any information, relative thereto.

Respectfully,

Commissioner in Charge.

Chootaw 5630

Muskogee, Indian Territory, February 24, 1904.

Belle Murray,

Bennington, Indian Territory,

Dear madam:

Receipt is hereby acknowledged of your letter of February 18, relative to the protest filed in your case by the attorneys for the Chootaw and Chickasaw Nations and requesting advice in the matter.

In reply to your letter you are advised that as the attorneys have filed a formal protest in your case requesting that no further action be taken in the matter of allotments to yourself and your eight minor children until the Chootaw and Chickasaw Citizenship Court has passed upon the case of Mattie Lee Armstrong et al. versus the Chootaw and Chickasaw Nations, and under the directions of the Secretary of the Interior of November 18, 1903, the Commission is estopped from further action in this case until otherwise instructed by the Department, protest having been filed therein by the attorneys for said nations.

Respectfully,

Commissioner in Charge.

Choc 5631

Ida Spring

5631

41
D175

41

Commission to the Five Civilized Tribes,

Tulshing, Indian Territory.

In the matter of the complaint of Ida Spring as a Cheater
by blood. Hampton Anderson being sworn and examined by Gen. McKean-
ran, heretofore:

Q What is your name? A Hampton Anderson.

Q How old are you? A I am about forty-two.

Q Did you know John Bond? A Yes sir.

Q And his wife Lucinda? A Yes sir.

Q Was he a Cheater attorney? A Yes sir.

Q Was she a white woman? A Yes sir.

Q Were you present at their marriage? A Yes sir.

I am then married.

Q When was that? A I couldn't say.

Q About how long ago? A It is hard to tell.

Q Just approximately, about how long ago?

A Somewhere along about twenty years ago.

Q Where were they married? A They married at a church house,
they called Bethel Church, in the Cheater Nation, by a minister
named William Johnson, a Cheater

Q Was it at a public meeting they were married? A Yes sir.

Department of the Interior,

Commission to the Five Civilized Tribes.

I, the undersigned, do hereby certify that the foregoing is a true and correct translation of the deposition of Hampton Anderson, taken at the hearing of the Commission on the 1st day of May, 1906, at the Cheater Nation, Indian Territory.

M. D. Green

IN RE

Application for Enrollment of
INFANT CHILD.

As a citizen of the

Whelan Nation.

Approved 1

Commissioner.

5631

~~1898 9145~~

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Chotau Nation,
Patie Spring, born on the 29 day of August, 1899.
 Name of father: Solomon Spring, a citizen of the Chotau Nation.
 Name of mother: Ida Spring, a citizen of the Chotau Nation.
 Post Office: Muskahomma, Ok.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,
Chotau District.

I, Ida Spring, on oath, state that I am 19 years of age and a
 citizen, by blood, of the Chotau Nation; that I am the
 lawful wife of Solomon Spring who is a citizen, by blood, of the
Chotau Nation; that a male child was born to me on the 29th day
 of August, 1899; that said child has been named Patie Spring,
 and is now living.

Subscribed and sworn to before me this 10th day of October AD, 1899.

W. S. McKenna
 Commissioner Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,
Chotau District.

I, Lucy A. Nail, a Midwife, on oath, state that I
 attended on Mrs. Ida Spring, wife of Solomon Spring
 on the 29th day of August, 1899; that there was born to her on said date a male child;
 that said child is now living and is said to have been named Patie Spring.

Subscribed and sworn to before me this 10th day of October AD, 1899.

W. S. McKenna
 Commissioner Notary Public.

Chectaw D-175

Muskogee, Indian Territory, February 27, 1902.

Ida Spring.

Tushkahoma, Indian Territory,

You are hereby notified that the application for enrollment of yourself and child, Fatie Spring, as citizens of the Chectaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 5th day of April, 1902.

On said date, you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the Representatives of the Chectaw Nation will also at the same time be afforded an opportunity to introduce testimony affecting your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

T. B. Needles.

Commissioner in Charge.

Register.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 5, 1902.

.....
: Ida Spring, et al., :
: :
: vs. :
: :
: The Choctaw Nation. :
:.....

D-175.

In the matter of the application of Ida Spring for the enrollment of herself and her minor child, Fattie Spring, as citizens by blood of the Choctaw Nation.

On the 27th day of February, 1902, the principal applicant was notified by registered mail, and on the 5th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Ida Spring for the enrollment of herself and her minor child as citizens of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 5th day of April, 1902.

Now on this 5th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation appears by its attorneys, Mansfield, McMurray & Cornish, and the applicants being called failed to appear, and the case is submitted upon the evidence and record as now made up.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on the 5th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 7th day of April, 1902.

Chas. H. Belford
Notary Public.

7 - D - 175.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--

In the matter of the application for the enrollment of
Ida Spring and her minor child, Fatie Spring, as citizens by blood
of the Choctaw Nation.

--: D E C I S I O N :--

It is shown by the census card records of the Commission
that on May 22, 1899, at Talihina, Indian Territory, application
was made for the enrollment of Ida Spring as a citizen by blood
of the Choctaw Nation, and that subsequently, and on November 1,
1899, there was filed with the Commission written application for
the enrollment of Fatie Spring, a minor child of the applicant,
Ida Spring, as a citizen by blood of the Choctaw Nation.

It appears from the evidence herein and the records of
the Commission, that the applicant Ida Spring, is a child of John
Bond, a Choctaw citizen and his wife, a non-citizen white woman,
and that the applicant Fatie Spring, was on August 29, 1899, born
to the applicant Ida Spring and her husband, Solomon Spring, the
last named being a citizen of the Choctaw Nation. The applicant,
Ida Spring, is identified under the name of Ida Bond, as No. 694,
on the 1896 Choctaw census roll.

It further appears that the applicant, Ida Spring, was
on June 28, 1898, a resident in good faith of Indian Territory,
all applicants listed upon census cards during 1899 having been
first examined as to such fact, although their testimony was not
reduced to writing.

It is therefore the opinion of this Commission that Ida
Spring and Fatie Spring, are duly and lawfully entitled to be en-
rolled as citizens by blood of the Choctaw Nation, and that the
application for their enrollment as such, should therefore be
granted, under the provisions of section 21 of the act of Congress
approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

DEC 8 1902

Cherokee Nation

COPY

Wadega, Indian Territory, December 8, 1908.

Ira Spring,

Wadega, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission, rendered December 8, 1908, granting the application of yourself and your minor child, Fannie Spring, for enrollment as citizens by blood of the Cherokee Nation.

The attorneys for the Cherokee and Chickasaw Nations have been furnished a copy of this decision, and have been allowed fifteen days from this date within which to file protest against the enrollment of yourself and your minor child, Fannie Spring, as citizens by blood of the Cherokee Nation; and if, at the expiration of that time no protest has been filed, the said Ira Spring and Fannie Spring will be regularly listed for enrollment as citizens of the Cherokee Nation.

Respectfully,

SIGNED

James B. Boney
Acting Chairman

Registered

Dec. 27, 11

Chectaw-D-175

COPY.

Muskegee, Indian Territory, December 8, 1902.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered December 8, 1902, granting the application of Ida Spring and Fattie Spring for enrollment as citizens by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the said Ida Spring and Fattie Spring as citizens of the Choctaw Nation, and make satisfactory proof of service of said protest upon the applicants herein. If you fail to file a protest within the time allowed, these applicants will be regularly listed for enrollment.

Respectfully,

(SIGNED).

Tama Bibby
Acting Chairman.

Registered.

Enc. MT. 12

Choc 5632

Walter N. Durant

5632

0190

Commission to the Five Civilized Tribes,

Wister, Indian Territory.

In the matter of the enrollment of the children of John Durant, an Indian, Walter H., Henry J., John H., as Cheateas by blood. Martha Mitchell being sworn and examined by Commissioner McKim.

Q Now to Martha Mitchell, fifty-nine years old.

Q Did you know John Durant? A Yes sir, I knew him for two years before him and my daughter was married; he married my oldest child.

Q Is she the mother of these children? A Yes sir.

Q Is she dead? A No sir, she is yet living.

Q Were you present at the marriage of John Durant and the daughter of yours? A Yes sir, they married in our house.

Q Did they live together as husband and wife after that?

A Yes sir, as long as he lived; he lived right with them as long as he lived. They will be married twenty-five years by the 25th day of this coming August.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify upon my official oath as Secretary of the Interior, that this is a true and correct translation of my stenographic notes.

M. D. Green

Chester D-190.

Muskogee, Indian Territory, February 27, 1902.

Walter H. Durant,
Gilmere, Indian Territory.

You are hereby notified that your application for the enrollment of yourself, your minor brother John K. Durant, and your minor sister, Rosa J. Durant, will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory on the 8th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Chester Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting the rights of yourself and your said brother and sister to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

T. B. Needles.

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 5, 1902.

.....
: Walter N. Durant, et al., :
: :
: vs. : D-190.
: :
: The Choctaw Nation. :
: :
:

In the matter of the application of Walter N. Durant for the enrollment of himself, his minor sister, Rina J. Durant, and his minor brother, John K. Durant as citizens by blood of the Choctaw Nation.

On the 27th day of February, 1902, the principal applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application for the enrollment of Walter N. Durant, Rina J. Durant and John K. Durant as citizens by blood of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory on the 5th day of April, 1902, for final consideration.

Now on this 5th day of April, 1902, this cause coming on to be heard, pursuant to said notice the Choctaw Nation appears by its attorneys, Mansfield, McMurray & Cornish, and the applicant being called, failed to appear, and the case is submitted upon the evidence and record as now made up.

-----:-----
Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on the 5th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 7 day of April, 1902.

Chas. M. Hillwood
Notary Public.

7 - D - 190.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--:

In the matter of the application for the enrollment of
Walter N., Rina J. and John K. Durant, as citizens by blood of
the Choctaw Nation.

--: D E C I S I O N ;--

It is shown by the census card records of the Commission
that on June 5, 1899, at Wister, Indian Territory, application
was made to this Commission for the enrollment of Walter N., Rina
J. and John K. Durant as citizens by blood of the Choctaw Nation.

It appears from the evidence herein and the records of
the Commission, that these applicants are the minor children of
John H. Durant, deceased, who was a recognized citizen of the Choctaw
Nation, and his wife, a non-citizen white woman. Said appli-
cants, Walter N., Rina J. and John K. Durant are identified as res-
pectively, Nos. 3266, 3265 and 3267, on the 1896 Choctaw census
roll.

It further appears that all the applicants herein, were
residents in good faith of Indian Territory on June 28, 1898, all
applicants listed upon census cards during 1899 being first exam-
ined as to such fact, although their testimony was not reduced to
writing.

It is, therefore, the opinion of this Commission that
Walter N. Durant, Rina J. Durant and John K. Durant are duly and
lawfully entitled to be enrolled as citizens by blood of the Choctaw
Nation, and that the application for their enrollment as such,
should be granted under the provisions of section 21 of the act
of Congress approved June 28, 1898 (30 Stats., 495), and it is so
ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

DEC 8 1902

A-14956

7-5632

No. 1594

CERTIFICATE OF RECORD OF MARRIAGES.

UNITED STATES OF AMERICA

The Indian Territory set
Central District

I, E. J. FANNIN, Clerk of the U. S. Court in
the Indian Territory and District aforesaid, do
hereby CERTIFY that the License for and Certif-
icate of the Marriage of Mr. William E. Rattenree
and Miss Rina Durant was filed in my office in
said Territory and District the 10th day of
November A.D. 1902 and duly recorded in Book 2
of Marriage Record, Page 179.

Witness my hand and seal of said Court
at Poteau this 10th day of November A. D. 1902.

E. J. Fannin, Clerk

By T. T. Varner, Deputy.

No. 1594

MARRIAGE LICENSE.

UNITED STATES OF AMERICA,

The Indian Territory,

ss

Central District

TO ANY PERSON AUTHORIZED BY LAW TO SOLEMNIZE MARRIAGE- GREETING:

You are hereby commanded to solemnize the Rite and publish the BANNS OF MATRIMONY between William E. Ratterree of Gilmore in the Indian Territory, aged 21 years, and Miss Rina Durant of Gilmore in the Indian Territory, aged 18 years, according to law, and do you officially sign and return this License to the parties therein named.

Witness my hand and official seal, this 1st day of November A. D. 1902.

E. J. Fannin,

(SEAL)

Clerk of the U. S. Court

By T. T. Varner, Deputy.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA

The Indian Territory

ss

Central District

I, R. T. Little, a gospel minister do hereby certify that on the 2 day of Nov. A. D. 1902, I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the BANNS OF MATRIMONY between the parties therein named.

Witness my hand this 2 day of Nov. A. D. 1902.

My credentials are recorded in the office of the Clerk of the United States Court in the Indian Territory, Central District, Book 6, Page 21

R. T. Little, a gospel minister.

Marriage Certificate

John Durant
and
Miss S.C. Mitchell

Recorded in General
Record A No. 1 at
Page 39 on Oct
3rd 1877

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 2 1902

[Signature]
CHAS. H. HARMAN.

Sugar Loaf Co
Cherokee Nation.

This is to certify that I have
this day solemnized the right
of matrimony between John
H. Mount and J. C. Mitchell
at the dwelling house of Robert
Mitchell Cherokee Nation Sugar
Loaf County as aforesaid

August 24th A.D. 1877

Attest
Rev. J. F. Herrell.
J. B. Nelson.

I do ^{hereby} certify that this
is a true copy of the original certificate
filed in my office this 30th day of Oct 1877
J. H. Holton Clerk
of Sugar Loaf Co. C. N.

I J. P. Carroll Clerk of Sugar Loaf Co. C. N.
do certify that the above and foregoing
marriage certificate are a true and correct
copy from the original recorded in
Gen. Record A No. 1 ^{at page 39} of Sugar Loaf Co. C. N.
Given under my hand and
seal this 31st March A.D. 1902
J. P. Carroll Co. Clerk
My commission expires Oct. 1st 1902

Chester D. 190

Muskogee, Indian Territory, March 7, 1902.

W. E. Durant,

Okemere, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 5th instant, replying to our communication of February 27, 1902, advising you that the application for the enrollment of yourself and your minor brother, John E. Durant and your minor sister, Rena J. Durant, would be taken up by the Commission for final consideration at its office at Muskogee, Indian Territory, on April 8, 1902.

In your letter you state that the rights of yourself and your brother and sister as citizens of the Chectaw Nation have never been disputed or doubted and you desire to be informed if it is now necessary for you to again appear before the Commission to establish the rights of yourself and your brother and sister to such citizenship.

You are advised that it appears from our records that Walter E., Rena J. and John E. Durant are the children of a Chectaw citizen by a white woman and there is not filed with the other records in this case any evidence of the marriage of John E. Durant to Sarah C. Griffith. Such evidence of marriage should be

W M D 2

supplied and it is preferable that either the original or a certified copy of the marriage license and certificate of John H. Durant and Sarah C. Griffith be submitted for this purpose. If, however, you are unable to secure such evidence of marriage, the affidavits of two disinterested persons who were present at the marriage of John H. Durant and Sarah C. Griffith and who have actual knowledge of their living together as man and wife will be accepted in lieu thereof.

Such evidence of the marriage of your parents should be submitted prior to April 5, 1902, after which date the Commission will take up for final consideration the matter of the enrollment of yourself and your brother and sister as citizens of the Choctaw Nation.

It is not now believed that any personal appearance upon your part will be necessary and if it is the intention of the Choctaw Nation to introduce any testimony affecting your right to enrollment, the representatives of the nation will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

Commissioner in Charge.

Choctaw D 179

Muskogee, Indian Territory, March 26, 1902.

W. H. Durant,

Silvers, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 13th instant, in which you state that the certificate of record showing that your mother, S. D. Mitchell and your father, John H. Durant, were married on the 24th day of August, 1877, is filed in the application of your brother, H. C. Griffith, and you desire to be informed if it will be necessary for you to have a copy of such certificate of record made in order to file the same in the matter of the application for the enrollment of yourself, your sister and brother, as citizens of the Choctaw Nation.

Replying to your letter you are advised that there is on file in the matter of the application of Sarah E. Griffith for enrollment as an intermarried child of the Choctaw Nation, a certified copy of the certificate of Rev. E. J. Marshall as to the marriage of John Durant and S. D. Mitchell on August 24, 1877, as the same appears in the office of the clerk of Sugar Creek County, Oklahoma Territory. But there is not on file with the application for the enrollment of yourself, your sister and brother, any evidence of the marriage of your mother and father, and it would be desirable for you to

W. H. L.

enclosed a certified copy of the record of such marriage for filing
in the office of the Registrar for the enrollment of yourself
and your brother as citizens by deed of the Registrar
General.

Yours truly,

W. H. L.

Enclosure 2 190

Mankages, Indian Territory, April 3, 1908.

Walter Durant,

Okmulgee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 31, 1908, enclosing certified copy of the certificate of A. G. Harrell as to the marriage of John Durant and M. B. Mitchell, August 24, 1877, and the same has been duly filed with the records of the Commission in the matter of the enrollment of yourself, your brother, John E. Durant and your sister, Rima J. Durant, as citizens by blood of the Cherokee Nation.

Yours truly,

Commissioner in Charge.

COPY.

Choctaw-D-190

Muskogee, Indian Territory, December 8, 1902.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered December 8, 1902, granting the application of Walter N. Durant, Rina J. Durant and John K. Durant, for enrollment as citizens by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the said Walter N. Durant, Rina J. Durant and John K. Durant as citizens of the Choctaw Nation, and make satisfactory proof of service of said protest upon the applicants herein. If you fail to file a protest within the time allowed, these applicants will be regularly listed for enrollment.

Respectfully,

(Signature)

Tame Dixie
Acting Chairman.

Registered.

Enc. MT. 16

COPY.

Chester-D-190

Muskogee, Indian Territory, December 8, 1902.

Walter N. Durant,
Gilmore, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission, rendered December 8, 1902, granting the application of yourself, your minor sister Rina J. Durant, and your minor brother, John K. Durant, for enrollment as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision, and have been allowed fifteen days from this date within which to file protest against the enrollment of yourself, your minor sister Rina J. Durant, and your minor brother, John K. Durant, as citizens by blood of the Choctaw Nation, and if, at the expiration of that time no protest has been filed, the said Walter N. Durant, Rina J. Durant and John K. Durant, will be regularly listed for enrollment as citizens of the Choctaw Nation.

Respectfully,

Tamie Kirby
Acting Chairman.

Registered.
Dec. 11 '02

7-D 215
7-5638

Muskogee, Indian Territory, November 7, 1903.

Sarah C. Griffith,
Gilmore, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of November 1, in which you state that you are an intermarried citizen and wish to know if you can select an allotment for your minor son, John K. Durant, without being appointed his guardian, or if his brother, who is over twenty-one years of age, can file on land for him without having been appointed guardian. You also wish to be informed of the action, if any has been taken, in the matter of your enrollment as an intermarried citizen.

In reply to your letter you are informed that it appears from our records that John K. Durant, son of John H. Durant and Sarah Griffith, has been enrolled by this Commission as a citizen by blood of the Choctaw Nation and on May 20, 1903, his enrollment as such was approved by the Secretary of the Interior.

In connection with the selection of his allotment at this time, your attention is invited to sections 7 and 8 of the rules and regulations governing the selection of allotments and the designation of homesteads in the Choctaw and Chickasaw Nations, copy of

S. C. C. 2

which is herewith enclosed you.

You are further informed that the Commission has not yet passed upon your application for enrollment as an interned citizen of the Chester Station. As soon as a decision is reached in this case you will be notified of the action of the Commission.

Respectfully,

Chairman.

Shoctor 5632.

Muskogee, Indian Territory, July 28, 1904.

Will Ratteree,

Gilmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 26, in which you state that you were married to Miss J. Durant, November 2, 1902, and you desire to have her name changed upon the records.

In reply to your letter, you are informed that the Commission to the Five Civilized Tribes is making rolls of the citizens of the Shoctor and Chickasaw Nations as of September 25, 1902, the date of the ratification by the Shoctor and Chickasaw Nations of the Act of Congress approved July 1, 1902, and the names to which persons were lawfully entitled on that date are the names under which they are enrolled and will receive allotments of land.

It is therefore impossible to comply with your request to have the name of Miss J. Durant changed upon our records.

Respectfully,

Commissioner in Charge.

Chester 8613.

Muskogee, Indian Territory, May 1, 1906.

W. H. Patterson,

Silvaco, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 19, in which you ask if you will be permitted to make application for enrollment as an intermarried citizen of the Cherokee Nation, as you married Rima J. Durant in accordance with the laws of the United States.

In reply to your letter you are informed that it does not appear from our records that application has been made by you or on your behalf to the Commission for enrollment as an intermarried citizen of the Cherokee Nation, and under the provisions of the Act of Congress approved July 1, 1904, the Commission is not without authority to receive or consider such application in your behalf.

Respectfully,

Chairman.

7-5632

Muskegee, Indian Territory, May 5, 1906.

William Ratterree,
Gilmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 1, 1906, in which you state that you married a citizen three years ago and your wife and one son have completed their enrollment and allotment; that you have never applied for enrollment and you desire to know if you can yet be enrolled.

In reply to your letter you are advised that under the act of Congress approved July 1, 1902, no person who married a citizen of the Choctaw or Chickasaw Nation subsequent to September 25, 1902, the date of the ratification of said act, is entitled to enrollment and allotment as an intermarried citizen of either of said nations.

Respectfully,

Acting Commissioner.

Choc 5633

Thomas Watson

5633

Choctaw D-184

Muskogee, Indian Territory, February 27, 1902.

Thomas Watson,

Smithville, Indian Territory.

You are hereby notified that the application for enrollment of yourself as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 5th day of April, 1902.

On said date, you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the Representatives of the Choctaw Nation will also at the same time be afforded an opportunity to introduce testimony affecting your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

T. B. Nuckles,

Register.

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 5, 1902.

.....
: Thomas Watson, :
: :
: vs. : D-184.
: :
: The Choctaw Nation. :
:.....

In the matter of the application of Thomas Watson for enrollment as a citizen by blood of the Choctaw Nation.

On the 27th day of February, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Thomas Watson for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its Office in Muskogee, Indian Territory, on the 5th day of April, 1902, for final consideration.

Now on this 5th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation appears by its attorneys, Mansfield, McMurray & Cornish, and the applicants being called, failed to appear, and the case is submitted upon the evidence and record as now made up.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on the 5th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 7 day of April, 1902.

Thos. Mansfield
Notary Public.

C O P Y

Amsiah Robinson being sworn and examined by Com. McK-
testifies:

- Q. What is your name ? A. Amsiah Robinson.
- Q. How old are you ? A. About thirty-two years of age.
- Q. You are a full blood Choctaw ? A. About half-breed.
- Q. You are a recognized citizen of the Choctaw Nation ?
- A. Yes sir, I am a recognized citizen.
- Q. Did you know Joe Watson ? A. Yes sir, his name was Joseph Watson.
- Q. Was he a Choctaw citizen ? A. Yes sir. He was a recognized citizen.
- Q. Did you know his wife ? A. Yes sir, Rosa Ann.
- Q. She was a white woman ? A. Yes sir.
- Q. Do you know whether they were married ? A. Yes sir. I was a little boy and saw them married.
- Q. Who married them ? A. A preacher named Elijah Brewer married them.
- Q. What else do you know about their marriage now ? A. Joe Watson had the marriage recorded in the Clerk's office and I was with him, it was at County Court when he recorded the marriage.
- Q. When he had the record made ? A. Yes sir. I saw him pay fifty cents to the County Clerk to have the marriage recorded.
- Q. Do you know how many children were born to them after their marriage ? A. One of them, they called her Elmira. But I think the proper name is Mary.
- Q. What is the wife of David Wingo, was she born to them after their marriage ? A. Yes sir, I think it was, I aint certain, I don't remember her age. They was living together a while

before they married.

Q What other children were born to them? A. The other was a boy, I don't remember the name, I think one of them was John, the boy is dead, and the other boy is Thomas Watson. And there are two more living, one is named Calvin Watson, the girl is Manda Watson.

Q. They were born after this marriage? A. Yes sir.

Q Are you certain of that? Yes sir, I am certain that this boy Thomas Watson and Calvin Watson and Mandy Watson were.

Q Did she have any children when she married? A. I don't remember.

Q (Dukes) Wasn't two of the children born in Arkansas?

A I don't remember, certain one of the boys is dead, the oldest boy is dead.

Q Do you remember which ones of these were born before and which ones after the wedding? A Yes, the oldest one is named Melvina, and Elmira, this man's wife, is next, and John, the one I was telling you is dead, is next to this man's wife, Joe Watson's children, and another one I had forgotten about, Martha Watson, she is dead too. And there are two more besides that, they was twins, and both died, the one living is Melvina and Elmira and Thomas Watson and Calvin Watson and Amanda, them is all yet living.

Q Were those that are now living born after their wedding or not?

A I don't remember for certain, but I think it was, I was a little boy time they married, I reckon I was about between ten and twelve years old then.

Q How old are you now ? A. I am thirty-two now.

Q Then that was about twenty years ago ? A. Yes sir. If I
wasn't ten I might have been younger, I don't know for certain.

-----o

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

I hereby certify upon my official oath as stenographer
to above named Commission, that this transcript is a true, full
and correct translation of my stenographic notes.


M. D. Green.

WESTERN DISTRICT.

INDIAN TERRITORY.

I, Philip G. Reuter, a Notary Public in and for the Western District of Indian Territory, duly commissioned and acting, do hereby certify that the above and foregoing is a true, complete and correct copy of the original testimony of Asaiah Robinson, on file in the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, in the case entitled Elmira Whalo, vs. Choctaw Nation, Choctaw case docketed, No. 285.

IN WITNESS WHEREOF, I have hereunto set my hand at Muskogee, Indian Territory, in the Western District, of Indian Territory, this the 16th day of August, 1902.


Notary Public.

JB.
7 - D - 184.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--:

In the matter of the application for the enrollment of
Thomas Watson as a citizen by blood of the Choctaw Nation.

--: D E C I S I O N :--

It is shown by the census card records of the Commission that on May 30, 1899, at Tushkahomma, Indian Territory, application was made for the enrollment of Thomas Watson as a citizen by blood of the Choctaw Nation.

It appears from the evidence herein and the records of the Commission, that the applicant herein is a son of Joseph Watson, deceased, who was a recognized citizen of the Choctaw Nation, and his wife, a non-citizen white woman, and this applicant is identified, as No. 13391, on the 1896 Choctaw census roll.

It further appears that this applicant was on June 28, 1898, a resident in good faith of Indian Territory, all applicants listed upon census cards during 1899 having been first examined as to such fact, although their testimony was not reduced to writing.

It is therefore the opinion of this Commission that Thomas Watson, is duly and lawfully entitled to be enrolled as a citizen by blood of the Choctaw Nation, and that the application for his enrollment as such should be granted, under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Acting Chairman.


Commissioner.

Muskogee, Indian Territory,

DEC 8 1902


Commissioner.

COPY

Chester-D-184

Muskogee, Indian Territory, December 8, 1902.

Thomas Watson,

Smithville, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission, rendered December 8, 1902, granting the application for your enrollment as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision, and have been allowed fifteen days from this date within which to file protest against your enrollment as a citizen by blood of the Choctaw Nation, and if, at the expiration of that time no protest has been filed, you will be regularly listed for enrollment as a citizen of the Choctaw Nation.

Respectfully,

SIGNED:

Isaac Dancy,

Acting Chairman.

Registered.

Enc. No. 5

COPY

Choctaw-D-184

Muskogee, Indian Territory, December 8, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered December 8, 1902, granting the application of Thomas Watson for enrollment as a citizen by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the said Thomas Watson as a citizen of the Choctaw Nation, and make satisfactory proof of service of said protest upon the applicant herein. If you fail to file a protest within the time allowed, this applicant will be regularly listed for enrollment.

Respectfully,

SIGNED

Registered.

James D. Dancy
Acting Chairman.

Enc. MT. 6

Choc 5634

Joseph Collins

5634

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, INDIAN TERRITORY, DECEMBER 5, 1900.

Choctaw D 144

In the matter of the application of Joseph Collins and Charles Collins as citizens of the Choctaw Nation.

Contention of the Choctaw Nation.
Question of Cherokee blood.

Statement of Facts for information of the Commission.

G. W. Dukes, having been first duly sworn, testifies on behalf of the Choctaw Nation as follows:

Examination by Mr. Cornish.

- Q What is your name? A G. W. Dukes.
Q What is your age? A Sixty one.
Q You are principal chief of the Choctaw Nation? A I am.
Q Do you know Joseph Collins and Charles Collins? A Yes sir, I know them.
Q They live at Grant? A They live in that neighborhood, I don't know exactly.
Q Did you know the grandfather of these people? A Yes sir.
Q What was his name? A Gilbert.
Q Did you know the grandmother of these people? A Yes sir.
Q What was her name? A Cynthia.
Q Do you know her maiden name? A No sir.
Q What was the blood of the grandfather? A The grandfather was Choctaw.
Q What was the blood of the grandmother? A Cherokee.
Q What was the name of the father of these children? A Charley Collins
Q Charley Collins was the son of the Cherokee woman and Choctaw man?
A Yes sir.
Q Did you know the name of the wife of Charley Collins? A Don't remember her name.
Q Was she a Choctaw or white woman? A She was a white woman.
Q Are these persons, Joseph Collins and Charles Collins the children of Charley Collins by a white woman? A Yes sir.
Q Then Charley Collins was a Choctaw through his father and Cherokee through his mother so far as blood was concerned? A Yes sir.
Q That is Charley Collins, the father of these two children. Do you know whether or not persons ever have been enrolled as citizens of the Cherokee Nation? A No sir.
Q You don't know whether they drew any money in the Cherokee Nation?
A No sir, I don't; they were born and raised in the Choctaw Nation.
Q Born and raised in the Choctaw Nation? A Yes sir.
Q These children are Choctaw through their father and white through their mother? A Yes sir.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full the proceedings in the above entitled cause on the 5th day of December, 1900, and that the above and foregoing is a true and correct transcript of her stenographic notes in said cause. Subscribed and sworn to before me this 5th day of December, 1900. *Anna Bell*


Acting Chairman.

Choctaw D-144.

Muskogee, Indian Territory, February 23, 1902

Joseph Collins,

Grant, Indian Territory,

You are hereby notified that the application for enrollment of yourself as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 4th day of April, 1902.

On said date, you may if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the Representatives of the Choctaw Nation will also at the same time be afforded an opportunity to introduce testimony affecting your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes,
Register.

T. B. Needles

Commissioner of the Five Civilized Tribes

Choctaw D- 144

Muskogee, Indian Territory, February 22, 1903

Charles Collins,

Grant, Indian Territory.

You are hereby notified that the application for enrollment of yourself as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 4th day of April, 1903.

On said date, you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the Representatives of the Choctaw Nation will also at the same time be afforded an opportunity to introduce testimony affecting your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

T. B. Needles.

Commissioner in Charge.

Register.

Department of the Interior.
Commission to the Five Civilized Tribes.

In the matter of the application for
the enrollment of Joseph and Charles Collins
as citizens by blood of the Choctaw Nation.

-----D 144-----

On the 26th day of February, 1902, the applicants were notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of Joseph Collins and Charles Collins for enrollment as citizens of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 4th day of April, 1902, for final consideration.

Now, on this fourth day of April, 1902, this cause coming on to be heard pursuant to said notice, the applicants, being called, failed to appear, either in person or by attorney, and the Choctaw Nation failed to appear.

Harry C. Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 4th day of April, 1902; and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C. Risteen

Subscribed and sworn to before me this 5th day of April, 1902.

Wm. M. Hall
Notary Public.

7-D-144

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Joseph Collins and Charles Collins as citizens by blood of the Choctaw Nation.

---D E C I S I O N ---

It appears from the census card records in this case that application was made to the Commission at Goodland, Indian Territory on May 8, 1899, for the enrollment as citizens by blood of the Choctaw Nation of Joseph Collins and Charles Collins, and thereafter on December 5, 1900, at Atoka, Indian Territory, further proceedings were had before the Commission in this case.

It appears from the evidence in this case that the applicants are possessed of both Cherokee and Choctaw blood.

It appears from an examination of the records in the possession of the Commission that neither said Joseph Collins nor said Charles Collins has ever been enrolled as a citizen of the Cherokee Nation or admitted to citizenship in the Cherokee Nation by the legally constituted court or committee of said Nation, by this Commission, or by the United States Court in Indian Territory under the provisions of the Act of Congress approved June 10, 1896, (29 Stat., 321), nor does the name of said Joseph Collins or of said Charles Collins appear upon any of the Cherokee tribal rolls in the possession of the Commission.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission that the names of Joseph Collins (as Josephus Collins) and Charles Collins appear upon the 1896 census roll of the Choctaw Nation at page 65, Nos. 2726 and 2725 thereof, as citizens by blood.

It further appears that said Joseph Collins and Charles Collins were born and reared in the Choctaw Nation and are now residents thereof; and said Joseph Collins was eighteen years of age, and Charles Collins fourteen years of age, at the time this application was made in their behalf in May, 1899.

It is therefore the opinion of this Commission that the application for the enrollment of Joseph Collins and Charles Collins as citizens by blood of the Choctaw Nation should be granted under the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

DEC 8 1902

COPY.

Choctaw-3-144

Muskogee, Indian Territory, December 8, 1902.

Joseph Collins,

Grant, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission, rendered December 8, 1902, granting the application of yourself and your brother, Charles Collins, for enrollment as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision, and have been allowed fifteen days from this date within which to file protest against the enrollment of yourself and your brother, Charles Collins, as citizens by blood of the Choctaw Nation, and if, at the expiration of that time no protest has been filed, the said Joseph Collins and Charles Collins, will be regularly listed for enrollment as citizens of the Choctaw Nation.

Respectfully,

SIGNED.

Tamr Bixby.

Acting Chairman.

Registered.

Enc. MT. 13

COPY.

Choctaw-D-144

Muskogee, Indian Territory, December 8, 1902.

Mansfield, Malfurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered December 8, 1902, granting the application of Joseph Collins and Charles Collins for enrollment as citizens by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the said Joseph Collins and Charles Collins as citizens of the Choctaw Nation, and make satisfactory proof of service of said protest upon the applicants herein. If you fail to file a protest within the time allowed, these applicants will be regularly listed for enrollment.

Respectfully,

(SIGNED)

Tamm Dixby.

Acting Chairman.

Registered.

Enc. NT. 14

Muscogee, Indian Territory,
August 18th, 1900.

Joseph Collins,
Grant, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation through its attorneys, Messrs McEannan, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment and the enrollment of Charles Collins as citizens of the Choctaw Nation.

The Commission, commencing December, 3rd, 1900, hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-144.

7-D 144

Muskogee, Indian Territory, November 7, 1903.

Bond & Melton,
Attorneys at Law,
Chickasha, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of November 2, enclosing the marriage license and certificate between J. B. Byfield and Lela McGill, which is offered in support of the application of J. W. Byfield for enrollment as an intermarried citizen of the Chickasaw Nation, and the same have been filed with the record in this case.

Respectfully,

Chairman.

Department of the Interior.
Commission to the Five Civilized Tribes.

In the matter of the application for
the enrollment of Joseph and Charles Collins
as citizens by blood of the Choctaw Nation.

----D 144----

On the 26th day of February, 1902, the applicants were notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of Joseph Collins and Charles Collins for enrollment as citizens of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 4th day of April, 1902, for final consideration.

Now, on this fourth day of April, 1902, this cause coming on to be heard pursuant to said notice, the applicants, being called, failed to appear, either in person or by attorney, and the Choctaw Nation failed to appear.

Harry C. Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 4th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C. Risteen

Subscribed and sworn to before me this 5th day of April, 1902.

Chara Mitchell Wood
Notary Public.

A 7

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, INDIAN TERRITORY, DECEMBER 5, 1900.

Choctaw D 144

In the matter of the application of Joseph Collins and Charles Collins as citizens of the Choctaw Nation.

Contention of the Choctaw Nation.
Question of Cherokee blood.

Statement of Facts for information of the Commission.

G. W. Dukes, having been first duly sworn, testifies on behalf of the Choctaw Nation as follows:

Examination by Mr. Cornish.

- Q What is your name? A G. W. Dukes.
Q What is your age? A Sixty one.
Q You are principal chief of the Choctaw Nation? A I am.
Q Do you know Joseph Collins and Charles Collins? A Yes sir, I know them.
Q They live at Grant? A They live in that neighborhood, I don't know exactly.
Q Did you know the grandfather of these people? A Yes sir.
Q What was his name? A Gilbert.
Q Did you know the grandmother of these people? A Yes sir.
Q What was her name? A Cynthia.
Q Do you know her maiden name? A No sir.
Q What was the blood of the grandfather? A The grandfather was Choctaw.
Q What was the blood of the grandmother? A Cherokee.
Q What was the name of the father of these children? A Charley Collins.
Q Charley Collins was the son of the Cherokee woman and Choctaw man? A Yes sir.
Q Did you know the name of the wife of Charley Collins? A Don't remember her name.
Q Was she a Choctaw or white woman? A She was a white woman.
Q Are these persons, Joseph Collins and Charles Collins the children of Charley Collins by a white woman? A Yes sir.
Q Then Charley Collins was a Choctaw through his father and Cherokee through his mother so far as blood was concerned? A Yes sir.
Q That is Charley Collins, the father of these two children. Do you know whether or not persons ever have been enrolled as citizens of the Cherokee Nation? A No sir.
Q You don't know whether they drew any money in the Cherokee Nation? A No sir, I don't; they were born and raised in the Choctaw Nation.
Q Born and raised in the Choctaw Nation? A Yes sir.
Q These children are Choctaw through their father and white through their mother? A Yes sir.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full the proceedings in the above entitled cause on the 5th day of December, 1900, and that the above and foregoing is a true and correct transcript of her stenographic notes in said cause. Subscribed and sworn to before me this 5th day of December, 1900.


Acting Chairman.

Choc 5635

Isaac Winship

5635

Q 134

Commission to the Five Civilized Tribes,
Alikchi, Indian Territory.

In the matter of the enrollment of Isaac Winship and others
as Choctaw Indians by blood; Thomas Watson, being sworn and
examined by Commissioner McKennon, testifies as follows:

(Battiest, Interpreter)

Q What is your name? A Thomas Watson.

Q How old are you? A Thirty-nine.

Q Did you know Tobias Winship, and Mary, the mother of this
young man? A Yes, I know them.

Q Do you know whether they were married or not? A Yes.

Q Were you present when they were married? A Yes.

Q About how long ago? A Says he is not certain just how
long, but as well as he could recollect, it was sometime in 1867.

Q Do you know what children they had while living together?

A Yes sir, he knows most of them.

Q Name them? A Isaac, Melvina, Isaac's sister, Simeon, who
was older than Isaac; that is all he can remember now.

Q You are a full-blood Choctaw are you? A Yes sir.

Q Citizen of the Choctaw Nation? A Yes sir.

Q What office do you hold? A Sheriff of Washoba county.

Dickson Wallace, being sworn and examined by Commissioner
McKennon, testifies as follows:

(Lewis Battiest, Interpreter.)

Q What is your name? A Dickson Wallace.

Q How many years old? A Fifty-four.

(Isaac Winship, et al Dickson Wallace, witness, #2)

Q Full blood Choctaw Indian? A Yes sir.

Q Citizen of the Nation? A Yes.

Q You have been Sheriff of Nashoba County haven't you?

A Yes sir. Sheriff for nine years of this County.

Q Did you know Tobias Winship and Mary Winship; his wife?

A Yes sir.

Q Were you present at their marriage? A He was present, was there at the meeting.

Q Did you see them married? A Yes sir. Elijah Brewer, Minister of the Gospel, officiated at the ceremony.

Q Was he a full-blood Choctaw Presbyterian preacher? A Yessir.

Q About when was that, how long ago?

A Says sometime in 1867, but he didn't know for certain.

Isaac Winship, being sworn and examined by Commissioner McKennon, testifies as follows:

Q Your name is Isaac Winship? A Yes sir.

Q You are the son of Tobias and Mary Winship? A Yes sir.

Q What is your age? A Twenty-four years old.

Q You have in the last few days talked to your mother about her marriage, and about her children, have you? A Yes sir.

Q What did she say as to Jimmy Davis? A She said she wasn't married to his father, Eli Davis.

Q As to her other children, what are their names?

A Fina Miashintubbi and Martha Miashintubbi.

Q Who was the father of these children?

(Isaac Winship, et. al. -#3)

A Barnes or Bond, Miashintubbi.

Q Did she say she was married to him? A Yes sir, she said she was.

Q How old are they now? A One is about nine years old, and one about seven, I reckon.

Q She said she married Miashintubbi at a meeting?

A Yes sir, at Mount Zion meeting in the Choctaw Nation.

Q He was a full blood Choctaw? A Yes sir.

Q He is not living? A No sir.

Emeyabbi, being sworn and examined by Commissioner McKennon, testifies as follows:

(Lewis Battiest, Interpreter.)

Q What is your name? A Emeyabbi.

Q How old are you? A Something in the neighborhood of seventy-six.

Q Do you know Bond Meashintubbi? A Says he knows him.

Q Do you know Mary, his wife? A Yes.

Q Did you see them married? A Yes, Bond Meashintubbi was Elder of the Church at the time, and Elijah Brewer was Minister of the Gospel, and he performed the ceremony, and many of them witnessed it at the time of the big meeting at Mount Zion Church.

(Statement by Capt. McKennon: This is to accompany the card upon which is enrolled Wincy and Martha Meashintubbi, Mary being her mother.)

Department of the Interior,

Commissioner of the Land Office.

I hereby certify that the foregoing is a true and correct translation of the statement of Emeyabbi.

M. D. Green

Choctaw D-134.

Muskogee, Indian Territory, February 26, 1902.

Isaac Winship,

Alikohi, Indian Territory.

You are hereby notified that your application for enrollment as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 4th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Choctaw Nation will also, at the same time be afforded an opportunity to introduce testimony affecting your right to enrollment but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

I. B. Needles.

Register

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.

In the matter of the application of
Isaac Winship for enrollment as a
citizen by blood of the Choctaw Na-
tion.

----D 134----

On the 26th day of February, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of Isaac Winship for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 4th day of April, 1902, for final consideration.

Now, on this fourth day of April, 1902, this cause coming on to be heard pursuant to said notice, the following appearances were made:

A P P E A R A N C E S :

The applicant, Isaac Winship, in :
person, and by his attorney, A. : No appearance by attorneys
Telle. : for the Choctaw Nation.

Isaac Winship, the applicant, being first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

Q What is your name? A Isaac Winship.
Q What is your age? A I was born in 1875.
Q What is your post office address? A Bethel, Choctaw Nation,
Indian Territory.
Q How long have you lived there? A I have lived there ever since
I was about fifteen years old---I was raised in that same court.
Q You have never lived outside of the Territory? A No sir.
Q What was your father's name? A Tobias Winship.
Q Is he living? A No sir he is dead.
Q What was your mother's name? A Mary Labor was her maiden name.
Q Is she living? A Yes sir, she is living.
Q Where does she live? A At Bethel.
Q Is your mother a Choctaw or a white woman? A She is a Mexican.
Q What was your father? A He was a Choctaw.
Q Was he on the rolls and recognized as a citizen of the Choctaw
Nation? A I don't know how it is; he was a full blood Choctaw.

Examination by Mr Telle:

Q When the above Commission was working at Alikohi, did you appear

Isaac Winship-----2.

There for enrollment? A Yes sir.

Q There you gave the names of yourself and family? A Yes sir.

Q And a question was raised only as to yourself--they asked you to furnish the marriage certificate between your father and mother?

A Yes sir, that is what they asked me to do.

Q You have never furnished that up to this time? A No sir.

Here A. Telle, attorney for applicant, presented the marriage certificate between Tobias Winship and Mary, and asks that it be filed to complete the record in this case; said certificate is received, filed, and made part of the record herein.

Q Is your mother still living? A Yes sir.

Q The marriage certificate that you present here between Tobias Winship and Mary--That is the identical Mary who is your mother?

A Yes sir.

Q Has your mother married any one else since the death of her first husband, your father? A Yes, she married Bond Miahintubi, a Choctaw.

By the Commission.

Q You are married now? A Yes sir.

Q What is your wife's name? A Eunette Noah was her maiden name.

Q She is a Choctaw? A Yes sir.

(The name of the wife of this applicant appears upon Choctaw Card #581.)

By the Commission: This case will be considered by the Commission upon the evidence and record as now made up.

Harry C. Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled matter on the 4th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C. Risteen


Subscribed and sworn to before me this 4th day of April, 1902.

Clara M. Risteen
Notary Public.

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134

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 4 1902

 ACTING CHAIRMAN.

Office of Samuel Baker
County Judge of
Nashoba County C. Nat.
to the Hon. Clerk
H. Co. C. N.

This is to certify that I have
on this 20 day of September A.D. 1868
 solemnized joint to-gether and
 Married Tobias W. Wainship of
 Nashoba County Choct. Nation
 And Mary - of Nashoba Co. C. N.
 Said County and Nation

Witnessed my hand

This the 20 day of Sept. A.D. 1868
Samuel Baker

County Judge of
Nashoba County C. N.

I do hereby that I have received
this certificate and Holy Bond
of Matrimony and Recorded

In this 30 day of Sept. A.D. 1868.

Sial

S. A. Williams
Clerk of
H. Co. C. N.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Isaac Winship as a citizen by blood of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the record in this case that Isaac Winship appeared before the Commission at Alikchi, Indian Territory, on April 28, 1899, and made personal application for enrollment as a citizen by blood of the Choctaw Nation, and thereafter on April 4, 1902, at Muskogee, Indian Territory, further proceedings were had in this case.

It appears from the evidence offered in support of this application that said Isaac Winship is a Choctaw Indian by blood and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission discloses the name of Isaac Winship upon the 1893 Leased District Payment Roll of the Choctaw Nation at page 75, No. 880, Washoba County thereof, and on the 1896 Choctaw census roll at page 350, No. 13350 thereof, as a citizen by blood.

It further appears that said Isaac Winship has been a resident of the Choctaw Nation, Indian Territory, during his entire life.

It is, therefore, the opinion of this Commission that the application of Isaac Winship for enrollment as a citizen by blood of the Choctaw Nation, should be granted under the provisions of the act of Congress approved June 28, 1898, section twenty-one, (30 Stat., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

[Signature]
C. R. Austin

Muskogee, Indian Territory,
DEC 8 1902

Choctaw -D-134

Muskogee, Indian Territory, December 8, 1902.

Isaac Winship,

Alikahi, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission, rendered December 8, 1902, granting the application for your enrollment as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision, and have been allowed fifteen days from this date within which to file protest against your enrollment as a citizen by blood of the Choctaw Nation, and if, at the expiration of that time no protest has been filed, you will be regularly listed for enrollment as a citizen of the Choctaw Nation.

Respectfully,

(SIGNED)

Acting Chairman.

Registered

Enc. MT, 7

Choctaw-D-134

Muskogee, Indian Territory, December 8, 1902.

A. Telle, Esq.,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission, rendered December 8, 1902, granting the application for the enrollment of Isaac Winship as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision, and have been allowed fifteen days from this date within which to file protest against his enrollment as a citizen by blood of the Choctaw Nation, and if, at the expiration of that time no protest has been filed, he will be regularly listed for enrollment as a citizen of the Choctaw Nation.

Respectfully,

SIGNED:

Acting Chairman.

Registered.

Enc. No. 2

Choctaw-D-134

Muskogee, Indian Territory, December 8, 1902.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered December 8, 1902, granting the application of Isaac Winship for enrollment as a citizen by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the said Isaac Winship as a citizen of the Choctaw Nation, and make satisfactory proof of service of said protest upon the applicant herein. If you fail to file a protest within the time allowed, this applicant will be regularly listed for enrollment.

Respectfully,

SIGNED

W. H. DIXON,

Acting Chairman.

Registered.

Enc. No. 8

Choc 5636

J M Leader

5636

Muskogee, Indian Territory,

August, 18th 1900,

J. M. Leader,

Guertie, Indian Territory,

Dear Sir,-

You are hereby notified that the Choctaw Nation through its attorneys, Messrs McKennon, Mansfield, McMurray & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December, 3rd, 1900, held a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-12.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Atoka, Ind. Per. December 10, 1900.

The Choctaw Nation

vs.

D-12.

James M. Leader.

A P P E A R A N C E S:

For the Choctaw Nation, ~~xxxxxx~~, Melvin Cornish, Esq.
For the Applicant, A. Telle, Esq.

By Mr. Cornish: Our contention is that this man is a Cherokee.

By Mr. Telle: We will prove that his mother is a Cherokee and on the Cherokee roll; that his father is Choctaw and Chickasaw, and that he was raised in the Choctaw Nation. He has at several different times applied for citizenship, but is on no roll in the Choctaw Nation. We have his mother here to give a full history of his case.

Mary Miller, being first duly sworn by Acting Chairman Bixby, testified as follows:

By Mr. Telle:

Q What is your name? A Mary Miller.

Q How old are you? A About 63 years.

Q Where do you live? A Live near Tazana.

Q What nation is that in? The Cherokee Nation, Indian Territory.

Q What is your nationality as to Indian blood? What are you?

A Cherokee.

Q What proportion? How much Cherokee? A My mother was 3/4.

Q And your father was a white man? A Yes sir.

Q Do you know Jim Leader? A Yes.

Q What relation is he to you? A He is my son.

Q Were you married to his father in an early day? A Yes sir.

Q What was his name? A Edward Leader.

Q Is he living now? A Yes, I am told he is living.

Q What is his nationality? A Chickasaw and Choctaw.

Q When were you married to him? A In the Cherokee Nation.

Q When, do you remember? Q No, I don't recollect when it was.

Q How long did you live in the Cherokee nation after you married him?

A I just came right home when we was married.

Q You were married in the Cherokee Nation. Where were you living at the time? A In Gaines Co.

Q In what nation? A I don't know; Choctaw or Chickasaw; where his mother lived on Gaines creek.

Q And you lived there with him, how long? A I lived there about 3 or 4 years.

Q Did you have any children by him? A Yes, I had two.

Q What was the name of the oldest child? A Jim Leader.

Q That is the applicant here? A Yes sir.

Q What was the name of the next child? A Walter Leader.

Q Is he living? A Yes sir.

Q Where is he living? A In the Cherokee nation.

Q Is Walter a citizen of the Cherokee nation? A Yes sir.

Q A recognized citizen? A Yes; he was raised there.

Q I believe you are a recognized citizen of the Cherokee Nation?

A Yes sir.

Q After the birth of these two children you were separated from him?

A After the birth of Jim Leader I was separated from

3-Leader.

James M. Leader, being first duly sworn, by Acting Chairman Bixby, testified as follows:

By Mr. Telle:

- Q What is your name? A James M. Leader.
- Q What is your postoffice address? A Guertie, Choctaw Nation.
- Q How old are you? A About 43 years.
- Q I will ask you what is the name of your mother? A Mary Miller.
- Q I will ask you whether you remember about her living in this country at one time, on Gaines Creek. A No sir.
- Q You didn't live with her in your younger days.
- A No sir. not that I recollect.
- Q Who did you live with.
- A I lived with my grandmother, Nancy Fram.
- Q Did you ever live anywhere except in the Choctaw-Chickasaw Nations?
- A No, I never lived outside of the Choctaw Nation.
- Q You knew your mother was a Cherokee, didn't you? A Yes sir.
- Q Have you ever applied for enrollment or recognition as a Cherokee over in the Cherokee Nation? A Yes sir.
- Q When did you apply for citizenship there? A I first applied six months ago, and I employed Sheppard and Grove and Ellis of South h McAllister, when I first started the matter.
- Q What did they do? A Ellis came to me, and he told me he could get me enrolled in the Cherokee nation for a certain amount of money. I told him if he could I would do it.
- Q Did they go to work? A Yes, Grove went to South town; he went and got mother and brought her to Checotah; he went and got her affidavit and went over to Tahlaquah with me.
- Q What did he learn there? A Grove didn't learn any thing much, only he said there was no rule for me; that they had a ruling there and that they had riled me out.
- Q Did you make any more attempts? A Yes, I went and got my mother; my mother was sick; my brother was a citizen of the Cherokee nation I hired Thompson and they worked around there about 8 days. The Legislature was in session at Tahlaquah and they worked there trying to get me enrolled.
- Q What success did they have? A They didn't do anything. They said that they couldn't do anything.
- Q Did you talk with the Chief yourself? A Yes, the Chief said, "I will see the Canadian district men tonight--the members of the council, and I will have a talk with them, and you come to my office in the morning and I will tell you if it is any use for you to stay around here at all." I went to the office the next morning, and he said that it was no use trying to enroll; that I might as well go back to our people.
- Q That is the last information you got from the Cherokees? A Yes.
- Q You have never attempted since? A Yes, I was convinced it was no use.
- Q I will ask you if you was ever enrolled in the Choctaw-Chickasaw Nations? A Yes, I have been enrolled in the Choctaw ever since I have been here.
- Q You were born and raised in the Choctaw Nation? A Yes sir.
- Q And always been recognized as a citizen here? A Yes, I have held office and never been refused in any way.
- Q Your father is a citizen of the Choctaw-Chickasaw Nations? A Yes, my father's mother was a full blood, and my father was a Chickasaw; my father's name is Ed Leader.

By Mr. Bixby:

- Q You spoke about a rule against you in the Cherokee nation; what was the rule? A I don't know what rule they had.
- Q Did it refer to your residence in the Cherokee nation? A Yes.
- Q They wouldn't enroll you as a Cherokee because you were not living in the Cherokee nation? A Yes sir.
- Q How much did you pay these lawyers? A I paid them \$250 to start with, and I paid these first lawyers I had about \$225 and their expenses back from Tahlaquah.

3-Leader.

- Q And Walter Leader was born after the separation? A Yes sir.
- Q Was he born in the Cherokee or Cheetaw Nation? A He was born in the Cherokee Nation.
- Q And Jim was born in the Cheetaw Nation? A Yes sir.
- Q After you separated from Ed Leader, who had the custody of the children? A This here boy's grandmother wanted him and I gave him to her and she raised him.
- Q Jim Leader's grandmother wanted him and you let her take him with her? A Yes sir.
- Q Where did she take him? A Where she was living then, on Gains creek.
- Q You left Ed Leader and Jim Leader and went back to the Cherokee Nation? A Yes, I kept Jim Leader with me a year or two until I could let the old woman have him.
- Q And she took him then and raised him? A Yes, she raised him until he was grown, and he took care of her then until she died.
- Q Do you know of any attempt made either by Jim Leader or yourself or anyone else for him, to get him enrolled as a citizen of the Cherokee Nation? A No.
- Q You never tried to get him enrolled as a citizen of the Cherokee nation? A No, they always said he couldn't enroll because he was raised in this nation, and that we couldn't enroll him in the Cherokee nation, because he was raised here.
- QX I believe I understood you to say that you never tried to get him enrolled? A No, I never tried because they told me it was no use.
- Q Do you know whether Jim tried himself, through his lawyers? A Yes, I think he did.
- Q But as far as you know he has never been enrolled or recognized as a citizen of the Cherokee nation? A No, he never has, I know.

By Mr. Bixby:

- Q Mrs. Miller, are you on the 1880 Cherokee roll? A Yes sir.
- Q Were you enrolled as a Cherokee by the Dawes Commission this year? A No, not yet.
- Q You say that Jim Leader could not get enrolled as a Cherokee? A No sir.
- Q How do you know? A He said so. He went to Tahlaquah to enroll and couldn't get enrolled.
- Q All you know is what he told you? A My other son was with him.
- Q Were you there yourself? A No sir.
- Q You don't know anything about it except what has been told you? A No, he never called for me.
- Q So far as you know his name may be on the roll? You have not examined the roll to see whether it is there or not? A No, I don't know.

By Judge Simon Lewis.

- Q Nancy Fraser was his grandmother? A Yes sir.
- Q Since you gave Jim to Nancy, has he ever lived in the Cherokee Nation? A No sir.

CROSS EXAMINATION

By Mr. Cernish.

- Q Do you know whether or not your son has ever drawn money in the Cherokee payments? A No sir.
- Q Do you know whether or not he drew the strip money? A No, he never drew any money.

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4-Leader.

- Q Then you paid another set of lawyers \$280? A Yes, Thompson of Tahlaquah.
- Q If they succeeded, were you to pay them any more?
- A No, they claimed they would put me on the roll.
- Q They got the money? A Yes sir.
- Q They didn't show much interest in it after they got the money?
- A I don't know; I was not there; I didn't follow them up.
- Q How did you happen to pay the money in advance? A Because they wanted it. I had the money for them there and paid them.
- Q In this country you have been called a Choctaw? A Yes sir.
- Q And been recognized as a Choctaw? A Yes sir.
- Q Your father's mother is a Choctaw? A Yes sir.
- Q Why did they call you a Choctaw instead of a Chickasaw? A I don't know.
- Q Did you ever hear any reason for it? A No sir.
- Q Why didn't they call you a Chickasaw? Your father's father was a Chickasaw? A I don't know.
- By Mr. Cerniak:
- Q Did you ever draw any money out of the Cherokee nation? A No sir.
- Q Did you ever receive any directly or indirectly? A No sir.
- Q Did anyone ever draw any for you? A No sir.

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Frances R. Brown, having been first duly sworn, upon her oath says that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings in the above entitled cause on the 10th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes, of said proceedings on said date.

Frances R. Brown

Subscribed and sworn to before me this 11th day of December, 1900.

[Signature]
Acting Chairman.

C O P Y.

Choctaw D-12.

Muskogee, Indian Territory, February 25, 1902.

James M. Leader,
Guertie, Indian Territory.

Dear Sir:

You are hereby notified that your application for enrollment as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 1st day of April 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes,

T. B. NEEDLES,

Commissioner in Charge.

Register.

5, 1902.

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Tribes,

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 1, 1902.

.....
J. M. Leader :
vs. : D-12.
The Choctaw Nation. :
.....

In the matter of the application of J. M. Leader for
the enrollment of himself as a citizen by blood of the Choctaw Nation

APPEARANCES:-

J. M. Leader, the appli- : No appearance on behalf of the
cant. : Choctaw and Chickasaw Nations.
J. G. Ralls, attorney :
for the applicant. :

J. M. Leader, being first duly sworn, upon his oath
testifies as follows:

Examination by the Commission.

Q What is your name? A J. M. Leader.
Q How old are you? A About fifty years old.
Q How old? A About fifty.
Q Do you know your age exactly? A No sir, I don't. I had it down
wrong and I never knowed exactly.
Q You gave it in 1899? A Yes, I think I gave it forty-four.
Q Forty-two. A Forty was wrong.
Q That was wrong, was it? A That's wrong.
Q You are nearer fifty now than you were forty-two then? A Yes
sir.

(2).

- Q What is your post office address? A Guertie,
Q Guertie, Indian Territory? A Yes sir.
Q What Nation is that in? A Choctaw, Atoka County.

Examination by Attorney, J. G. Ralls.

- Q Are you on any of the rolls of the Choctaw Nation? A Yes sir.
Q As a Choctaw by blood? A Choctaw by blood----Choctaw and Chick-
asaw both, I guess. We claimed to be Chickasaws until this enroll-
ment came in, and the old man's mother was a Choctaw and me and
him went on to the Choctaw.
Q How long have you lived in the Choctaw Nation? A I have lived
there all my life. I was born and raised there.
Q Did you ever hold office as a Choctaw officer? A No sir, not
anything only Superintendent of Schools----neighborhood schools,
and trustee of neighborhood schools.
Q Have you been recognized by the Choctaw authorities as a member
by blood of the Choctaw Nation? A Yes sir.
Q Have you ever been enrolled as a Cherokee? A No sir, I never
have.
Q If your name should appear on any of the rolls of the Cherokee
Nation, is it your desire, in the event that you are enrolled as
a Choctaw or Chickasaw by blood to waive all of your right and
claim to citizenship in the Cherokee Nation? A I didn't under-
stand.
Q I say in the event you are enrolled as a member by blood of the
Choctaw or Chickasaw Nation, and if your name should appear on any
of the rolls of the Cherokee Nation, is it your desire to waive
any such claim and rights in the Cherokee Nation? A Yes sir.
Q What? A Yes sir. I didn't thoroughly understand that. Do you
mean if it should appear on the Cherokee rolls that you waive it?
Q Yes sir, that if you appear on the Choctaw and Chickasaw rolls by
blood that you desire to waive your claim as a Cherokee citizen
and be enrolled as a Choctaw or Chickasaw Indian? A Choctaw,
yes. My father, he's a Choctaw.
Q You have here the proof of the birth of a child named Mary Leader?
A Yes sir.
Q You desire to offer this affidavit of its mother and the Doctor's
affidavit showing its birth? A Yes sir.
Q And make application at this time for its enrollment as a member
of the Choctaw Tribe of Indians? A Chickasaw. It's mother is--
the mother of the child is a Chickasaw.
Q Your wife is on the Chickasaw roll, is she? A yes sir, she's a
Chickasaw.

Examination by the Commission.

- Q Mr. Leader, what is your father's name? A Ed Leader.
Q What Nation did he belong to? A He belonged to the Choctaw.
Q Is he living? A Yes sir.
Q Is he on the Choctaw rolls? A Yes sir.

(3).

Q What is your mother's name? A My mother's name is Mary.
Q What was her name before she married your father? A McNulty.
Q What Nation did she belong to? A She belonged to the Cherokee.
Q Was she recognized by the Cherokee Tribal authorities? A Yes sir
I think she was.
Q Did she ever draw any Cherokee Payments? A Yes sir, I think she
did.
Q Is she living now? A Yes sir.
Q What roll is she on? A I don't know. I expect my brother can
tell you.

Hal Belford, being first duly sworn, upon his oath
states that as stenographer to the Commission to the Five Civil-
ized Tribes he reported in full all the proceedings of the above
entitled cause on the 1st day of April, 1902, and that the above
and foregoing is a full, true and correct transcript of his steno-
graphic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 2nd day of April, 1902.

Clarence Schellwood

Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment of James M. Leader as a citizen of the Choctaw Nation by blood.

---: D E C I S I O N :--

It appears from the census card records of the Commission that James M. Leader appeared before the Commission at Stonewall, Indian Territory, on September 6, 1898, and made personal application for his enrollment as a citizen by blood of the Choctaw Nation. Further proceedings in the matter of said application were had at Atoka, Indian Territory, on December 10, 1900, and at Muskogee, Indian Territory, on April 1st, 1902.

The application of said James M. Leader in behalf of his minor child Mary Leader being for her enrollment as a Chickasaw, she has been listed for enrollment with her mother, a full blood Chickasaw, on Chickasaw card field No.268.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission that the name of the applicant as "J.M.Leader" is on the 1896 Choctaw census roll, page 207, being No.8295 thereon.

It further appears from the evidence that said James M. Leader claimed rights to citizenship in the Cherokee Nation, but that he has elected to be enrolled as a citizen of the Choctaw Nation, and to waive all his claim to rights as a citizen of the Cherokee Nation, in accordance with the following provision of the act of Congress approved June 28, 1898, (30 Stats., 495):

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

It further appears from the evidence in this case that the applicant, James M. Leader, has all his life been a resident of the Choctaw Nation, and is a duly recognized citizen of the Choctaw Nation by blood.

-2-

It is therefore the opinion of this Commission that James M. Leader should be enrolled as a citizen by blood of the Choctaw Nation, in accordance with the provisions of the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

DEC 8 1902.

COPY

Choctaw D-12

Muskogee, Indian Territory, December 8, 1902.

J. M. Leader,

Okemah, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission, rendered December 8, 1902, granting the application for your enrollment as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision, and have been allowed fifteen days from this date within which to file protest against your enrollment as a citizen by blood of the Choctaw Nation, and if, at the expiration of that time no protest has been filed, you will be regularly listed for enrollment as a citizen of the Choctaw Nation.

Respectfully,

SIGNED

Acting Chairman.

Registered.

Enc. MT. 1

301

Decision D-12

Muskogee, Indian Territory, December 8, 1902.

J. C. Ball, Esq.,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission, rendered December 8, 1902, granting the application of James M. Leamer for enrollment as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision, and have been allowed fifteen days from this date within which to file protest against his enrollment as a citizen by blood of the Choctaw Nation, and if, at the expiration of that time no protest has been filed, he will be regularly listed for enrollment as a citizen of the Choctaw Nation.

Respectfully,

SIGNED

Acting Chairman.

Registered.

Dec. 11, 4

1
PV

Choctaw-D-12

Muskogee, Indian Territory, December 8, 1902.

A. Telle, Esq.,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission, rendered December 8, 1902, granting the application of James H. Leader for enrollment as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision, and have been allowed fifteen days from this date within which to file protest against his enrollment as a citizen by blood of the Choctaw Nation, and if, at the expiration of that time no protest has been filed, he will be regularly listed for enrollment as a citizen of the Choctaw Nation.

Respectfully,

(SIGNED)

Acting Chairman

Registered.

Enc. MT. 3

COPY, Choctaw-D-12

Muskogee, Indian Territory, December 8, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered December 8, 1902, granting the application of James M. Leader for enrollment as a citizen by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the said James M. Leader as a citizen of the Choctaw Nation, and make satisfactory proof of service of said protest upon the applicant herein. If you fail to file a protest within the time allowed, this applicant will be regularly listed for enrollment.

Respectfully,

Thomas E. Taylor

Registered

Acting Chairman.

Enc. NY. 2

7-4636
5636

Wuskegee, Indian Territory, July 31, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

On February 15, 1903, the Commission to the Five Civilized Tribes transmitted for consideration of the Department a schedule constituting a part of the final roll of citizens by blood of the Choctaw Nation numbers 12003 to 12984 inclusive which was approved by the Secretary of the Interior March 6, 1903.

I now have the honor to report that the card number "5636" appearing opposite the name of J. W. Leader at No. 12161 upon said schedule should be "4636" and has been changed upon the copies in the possession of this office from 5636 to 4636 and I have the honor to recommend that the same change be made upon the copies of the approved roll in the Department and the Indian Office.

Respectfully,

Through the
Commissioner of Indian Affairs.

Commissioner.

7-5686

Muskeget, Indian Territory, August 3, 1907.

The Commissioner,
Of Indian Affairs.

Sir:

Referring to office letter of July 31, 1907, addressed to the Secretary of the Interior relative to the card number which appears opposite the name of J. M. Leader at number 12161 upon the approved rolls of citizens by blood of the Choctaw Nation, I desire to withdraw this letter for the reason that further examination of the records shows that the card number as it now appears opposite the name of J. M. Leader is correct.

Respectfully,

Commissioner.

Muskogee, Indian Territory, September 18, 1900.

J. H. Leader,

Quartie, Indian Territory.

Dear Sir:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The question raised, is as to your Cherokee blood.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, October 17, 1900.

J. M. Leader,

Guertie, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of recent date in which you state that you are of the opinion that you have been mistreated in the matter of your enrollment. That you went to the Cherokee Nation together with your mother and brother and paid about two hundred dollars endeavoring to be enrolled there but that the authorities of the Cherokee Nation refused to enroll you as you were living in the Choctaw Nation and would have to be enrolled as a citizen of that Nation. You state that you did return to the Choctaw Nation and were enrolled by the authorities of that Nation but have since then been rejected.

You further state that you believe you have a right case where and desire to be informed where you have to go to have your citizenship finally adjusted.

You are informed that the records of this Commission in the matter of your enrollment as a citizen of the Choctaw Nation show the following statement of facts: That you appeared before this Commission as an applicant for enrollment as a citizen of the Choctaw Nation on September 14th, 1898. That the Commission identified you as having been enrolled by the authorities of the Choctaw Nation in Atoka County. You stated at that time that your father, J. M. Leader was a Chickasaw Indian residing in the Choctaw Nation but that your mother was a Cherokee Indian and it appears

J. H. L. S.

from the records in this case that your mother is on the Cherokee rolls, but that your name does not appear thereon. You have been listed for enrollment by this Commission as a doubtful claimant for citizenship in the Choctaw Nation, but pending the final disposition of your case by the Commission, the representatives of the Choctaw Nation have filed with this Commission a protest to your final enrollment for the reason that it appears that your mother was a Cherokee Indian.

As the Commission notified you on both August 18th, and September 18th, 1900, that they would hold a session at Atoka, Indian Territory, beginning December 3rd, for the purpose of disposing of these doubtful claims to citizenship in the Choctaw Nation. If in your case you desire to offer additional testimony before the Commission, you will be allowed to do so at the session of the Commission at Atoka as previously stated.

Yours truly,

Acting Chairman.

7-D-12

Choctaw D-12.

Muskogee, Indian Territory, February 25, 1902.

James M. Leader,

Guertie, Indian Territory.

Dear Sir:

You are hereby notified that your application for enrollment as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 1st day of April, 1902.

On said date you may if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes

T. B. Needles.

Register.

Commissioner in Charge.

J. M. Leader
42

on C. C. Roll No 2
on page 342

Alaska 3rd Dist

(White Card)

OK sent up

Chas. D. 12

Choc 5637

Ida Fowler

now

Ida Lemon

5637

Alikohi, Ind. Ter., April 27th, 1899.

AFFIDAVIT OF BOB KANIMUBBI, in re claim of Ida Fowler, to
Citizenship.

BOB KANIMUBBI, being duly sworn, by Commissioner Needles, tes-
tified as follows.

Through Interpreter Telle, he makes the following statement.

I am fifty nine years old. I am a resident of Eagle County.
I have lived in Eagle County ever since I was ten years old. I
know all of the grown men in that county. I would especially no-
tice any one that was a half breed. There are but few half breeds
in that county. I have never seen or heard of any half breed, or
any one by the name of Nathan Stewart in that county. If such a
one is living in that county, or has lived there within the time
that I have lived there, he is not a citizen of the Choctaw Nation.
I never knew any one by the name of Ida Stewart. If there was a
man, a citizen of the Choctaw Nation, by the name of Nathan Stewart,
in Bok Tuklo County, and was any where near middle age, I would know
him. There are but very few half breeds in Bok Tuklo county, if any,
and I would certainly know Nathan Stewart or his family, if they
lived in that county

-----oOo-----

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRICKKIRIDGE.
ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muscogee, Indian Territory,

August 18th, 1900

Ida Fowler,

Pawlerville, Indian Territory,

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment and the enrollment of Emma and Charlie Fowler as citizens of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, held a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,



Acting Chairman,
B

7-D-126.

9.146

Commission to the Five Civilized Tribes.

Alikchi, Indian Territory.

In the matter of the application of Ida Fowler for enrollment as a citizen by blood of the Choctaw Nation of Indians. Being sworn by Commissioner McKennon, he testifies as follows:

- Q Your father's name? A Nathan Stephens.
- Q White man or Indian? A Indian by blood.
- Q Where did he come from to the Territory? A Mississippi.
- Q You know when? A No sir, I couldn't tell you when.
- Q Your mother's name was Strickland, - maiden name?
- A Yes sir.
- Q You think she was a white woman? A Yes sir.
- Q You don't know whether your father was married to her or not?
- A Yes sir, they were married.
- Q How do you know? A They had a license.
- Q You know where the license is?
- A No sir, my step-mother has got them.
- Q Her name? A Dona Stuart.
- Q Is she claiming citizenship? A I don't know.
- Q Where does she live? A Went to Texas to her people.
- Q Your name is now Ida Fowler? A Yes sir.
- Q Your husband's name? A George Fowler.
- Q A white man? A Yes sir.
- Q You say you were born in the Choctaw Nation and lived here all your life? A Yes sir.
- Q The first time you enrolled was when you enrolled to draw money in 1895 or 1896? A Yes sir.
- Q How were then Mrs. Ida Fowler were you? A Yes sir.
- Q You think you are now about twenty-one or twenty-two?
- A I couldn't tell you how old I am, I just guess at my age.

(Ida Fowler, S) #2)

Q You know how old you were when you were first married?

A No sir, I just guessing at my age, I was about thirteen, going on fourteen.

Old Bill Butler, a negro, living near Lukfatah, has known me all my life. And Isham Goings, a full-blood Choctaw Indian, and Ben Peachland, a negro.

(Statement by Capt. McK: "Apparently white.")

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
stenographer to the said Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. Green

Department of the Interior.
Commission to the Five Civilized Tribes.

In the matter of the application of
Ida Fowler for the enrollment of her-
self and her two minor children,
Emma and Charlie Fowler as citizens
by blood of the Choctaw Nation.

-----D 126-----

On the 26th day of February, 1902, the principal applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail, that the application of Ida Fowler, Emma Fowler and Charlie Fowler for enrollment as citizens of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 4th day of April 1902, for final consideration.

Now, on the fourth day of April, 1902, this cause coming on to be heard pursuant to said notice, the applicants being called failed to appear either in person or by attorney and the Choctaw Nation also failed to appear.

Harry C. Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 4th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C. Risteen

Subscribed and sworn to before me this 5th day of April,
1902.

Charles Mitchell Wood
Notary Public.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw D-126.

ADDRESSED ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 26, 1902.

Ida Fowler,

Fowlerville, Indian Territory.

You are hereby notified that your application for the enrollment of yourself and your minor children, Emma Fowler and Charley Fowler, as citizens of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 4th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.



register.

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Ida Fowler and her minor children Emma Fowler and Charlie Fowler
as citizens by blood of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the census card and other records in
this case that Ida Fowler appeared before the Commission at Alik-
chi, Indian Territory, on the 24th day of April, 1899, and made
personal application for enrollment as a citizen by blood of the
Choctaw Nation and for the enrollment of her minor children Emma
Fowler and Charlie Fowler as citizens by blood of the Choctaw
Nation.

It appears from the evidence offered in support of this
application that the applicants are Choctaw Indians by blood and an
examination of the tribal rolls of the Choctaw Nation in the
possession of the Commission discloses the name of Ida Fowler upon
the 1893 Leased District Payment Roll of the Choctaw Nation, page
12, No. 111, Towson County, thereof, and the names of the applicants
Ida Fowler and Emma Fowler appear upon the 1896 census roll of the
Choctaw Nation, Nos. 4138 and 4139 thereof as citizens by blood.

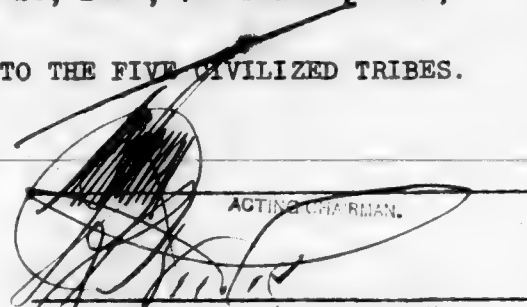
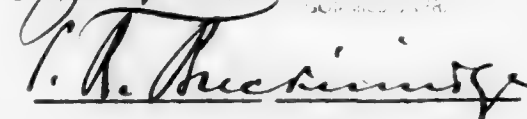
It further appears from the evidence submitted that the
minor applicant Charlie Fowler was born the 22nd day of September,
1898, and is the child of Ida Fowler and her husband George Fowler.

It further appears that all the applicants were born
in the Choctaw Nation and have lived there all their lives.

#2

It is, therefore, the opinion of this Commission that the application for the enrollment of Ida Fowler, Emma Fowler and Charlie Fowler as citizens by blood of the Choctaw Nation, should be granted under the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


ACTING CHAIRMAN.


Muskogee, Indian Territory,

DEC 8 1902

Choctaw-5637.

In the matter of the application
for the enrollment of Ida Lemon
et al, as citizens by blood of
the Choctaw Nation.

*Noted & recorded by
Department June 7, 1904*

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

FEB 6 1904

[Signature] CHAIRMAN

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Ida Lemon and her minor children, Emma and Charlie Fowler, as citi-
zens by blood of the Choctaw Nation, Choctaw Field No. 5637.

- - - - -

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that no further action be taken in connection with allotment of lands to these persons until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Mattie Lee Armstrong, et al., vs. Choctaw and Chickasaw Nations, No. 59 on the Tishomingo Docket, in which the said court will decide the question of what compliance, by the applicants or their ancestors, with the third or the fourteenth articles of the treaty of 1830 was necessary in order to be entitled to enrollment and to participation in the distribution of tribal property of the Choctaws and Chickasaws, notwithstanding their recognition as citizens by the tribal authorities of the Choctaw Nation, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.


Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

#5637 71

IN RE

Application for Enrollment of

INFANT CHILD.

Charlie Boulton

As a citizen of the

Cherokee

Nation.

Approved, 1899.

Commissioner.

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Charlie Porter, born on the 22nd day of September, 1899.
Name of father: George Porter, a citizen of the U. S. Nation.
Name of mother: Ida Porter, a citizen of the Cherokee Nation.
Post Office: Porterville, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Cherokee District.

I, Ida Porter, on oath, state that I am 20 years of age and a
citizen, by blood, of the Cherokee Nation; that I am the
lawful wife of George Porter who is a citizen, by blood, of the
United States Nation; that a child was born to me on the 22^d day
of September, 1899; that said child has been named Charlie Porter,
and is now living.

Subscribed and sworn to before me this 24th day of April, 1899.
Charlie was present when affidavit
was taken.

Ida Porter
[Signature]
Commissioner Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
District.

I, _____, a _____, on oath, state that I
attended on Mrs. _____, wife of _____
on the _____ day of _____, 1899; that there was born to her on said date a _____ child;
that said child is now living and is said to have been named _____.

Subscribed and sworn to before me this _____ day of _____, 1899.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 11 1902

ACTING CHAIRMAN.

No. 214

Certificate of Record of Marriages.

UNITED STATES OF AMERICA,
THE INDIAN TERRITORY,
CENTRAL DISTRICT. } SCT.

I, E. J. FANNIN, Clerk of the United States
Court in the Indian Territory and District aforesaid,
do hereby CERTIFY that the License for and Cer-
tificate of the Marriage of

Mr. John Linnam and

Miss Ida Baker

was filed in my office in said Territory and District
the 26 day of Sept. A. D.
1900 and duly recorded in Book of
Marriage Record, Page 137

WITNESS my hand and seal of said Court,
at Anker this 26
day of Sept. A. D. 1900.

E. J. FANNIN,
Clerk.

By *E. J. Fannin* Deputy.

MARRIAGE LICENSE.

NO. 10000

UNITED STATES OF AMERICA,
THE INDIAN TERRITORY,
CENTRAL DISTRICT. } ss.

To Any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to solemnize the Rite and publish the BANS OF MATRIMONY between
Mrs. John Lamm —
of Goodland — *in the Indian Territory, aged 22*
years, and Miss Ida Fowler —
of Goodland — *in the Indian Territory, aged 22*
years, according to law, and do you officially sign and return this
License to the parties therein named.

WITNESS My hand and official seal, this 22nd day of September A.D. 1900.

A. H. Smith
Deputy.

E. J. Gamm
Clerk of the United States Court.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
CENTRAL DISTRICT. } ss.

I, *J. P. Gibbons*
Minister

do hereby CERTIFY, that on the 24th day of Sept A.D. 1900
I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and
publish the BANS OF MATRIMONY between the parties therein named.

Witness my hand this 24th day of Sept A.D. 1900

My credentials are recorded in the office of the Clerk of the United States Court in the
Indian Territory, Central District, Book CC, Page 213



J. P. Gibbons
Minister

NOTE.—This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court of the Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars (\$100.00).

Muskogee, Indian Territory, November 23, 1900.

Manafield, McMurray & Cornish,

Attorney at Law,

South McAlester, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 20th instant in which you desire to be advised as to what testimony has been taken and filed in the case of Ida Fowler et. al, applicants for enrollment as citizens of the Choctaw Nation, Choctaw roll card, Field No. D-126.

You state that you have a copy of the testimony of Ida Fowler in her own behalf but it is your understanding from the Choctaw Commissioners that the testimony of Louis Battiste, William Butler and Andrew Colbert was also taken.

You request that if there is on file with the records of the Commission the testimony of these parties that you be furnished with carbon copies of the same.

You are informed that the only records the Commission has in this case is the testimony of Ida Fowler before the Commission at Alikehi, Indian Territory, April 24th, 1899, a copy of which you have in your possession and the sworn statement before the Commission April 27th, 1899 of Bob Kanimbbi. There is enclosed you herewith a copy of such statement.

The Commission's letter of August 18th to Ida Fowler at Fowlerville, Indian Territory, notifying her of the pretest entered

March 2

to her enrollment and the enrollment of her children Emma and
Charlie as citizens of the Choctaw Nation has been returned to the
Commission marked "Unknown."

Yours truly,

Acting Chairman.

7-D-126

Enc 4

7-3-128
7-474

Muskogee, Indian Territory, December 12, 1902.

John Lemon,

Nelson, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th inst., enclosing marriage license and certificate between yourself and Ida Fowler, which you offer as authority for the change of your wife's name upon our records from her former name of Fowler to her present married name of Lemon.

You are advised that in accordance with your request this change has been made upon our records.

Respectfully,

Acting Chairman.

Chestaw-5637

Muskogee, Indian Territory, February 6, 1904.

Mrs. Ida Lemon,

Nelson, Indian Territory.

Dear Madam:

You are hereby advised that under the direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Chestaw and Chickasaw Nations, dated January 23, 1904, no further action will be taken in connection with the allotment of lands of the Chestaw-Chickasaw Nations to Ida ^{Lemon} Lemon, Anna Fowler and Charlie Fowler until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

7-5637

Muskogee, Indian Territory, April 12, 1905.

C. A. Gibson,

Leon, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 5, 1905, enclosing affidavits of Ida Lemon and A. S. Breeding to the birth of Martha May Lemon, daughter of John and Ida Lemon March 20, 1905, and the same have been filed with our records as an application for the enrollment of said child.

Respectfully,

Commissioner in Charge.

7-5637

Muskogee, Indian Territory, April 22, 1905.

John Lemon,

Leon, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of
Ida Lemon and A. L. Breeding to the birth of Martha May Lemon
daughter of John and Ida Lemon, March 20, 1905.

You are informed that the Commission is authorized by
the act of Congress approved March 3, 1905, for a period of sixty
days from that date to receive applications for the enrollment
of children born to enrolled citizens by blood of the Choctaw
and Chickasaw Nations prior to March 4, 1905. You will therefore
see that the Commission is without authority to enroll your child
Martha May Lemon.

Respectfully,

Chairman.

COPY.

Chester-D-128

Muskogee, Indian Territory, December 8, 1902.

Ida Fowler,

Fowlerville, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission, rendered December 8, 1902, granting the application of yourself and your two minor children, Emma and Charlie Fowler, for enrollment as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision, and have been allowed fifteen days from this date within which to file protest against the enrollment of yourself and your two minor children, Emma and Charlie Fowler, as citizens by blood of the Choctaw Nation, and if, at the expiration of that time no protest has been filed, the said Ida Fowler, Emma Fowler and Charlie Fowler will be regularly listed for enrollment as citizens of the Choctaw Nation.

Respectfully,

(SIGNED)

James L. McCoy

Acting Chairman.

Registered.

Enc. MT. 17

Chestaw-D-125

COPY.

Muskogee, Indian Territory, December 8, 1902.

Mansfield, McMurtry & Gernish,

Attorneys for the Chestaw and Chickasaw Nation,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered December 6, 1902, granting the application of Ida Fowler, Emma Fowler and Charlie Fowler for enrollment as citizens by blood of the Chestaw Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the said Ida Fowler, Emma Fowler and Charlie Fowler as citizens of the Chestaw Nation, and make satisfactory proof of service of said protest upon the applicants herein. If you fail to file a protest within the time allowed, these applicants will be regularly listed for enrollment.

Respectfully,

SIGNED

Tame Dwyer

Acting Chairman.

Registered

Dec. 11. 1902

Choc 5638

Nancy Ebahotubbi

Trans from Choc D140

1-31-03

5638

Commission to the Five Civilized Tribes,

Talihina, Indian Territory.

In the matter of the enrollment of Nancy Potts as a Choctaw by blood. Davis Potts being sworn and examined by Com. McKennon testifies as follows:

(Dukes Interpreter)

Q Name is Davis Potts, fifty-two years old.

Q Do you know Nancy Potts? A Yes sir.

Q Are you related to her? A Yes sir.

Q In what way? A It is his child.

Q Was her mother a Choctaw? A Yes sir.

Q Full-blood? A Yes sir.

Q How old is she? A Nineteen years old next fall.

Q Has she ever had any other name except Nancy Potts?

A No other name. Says she is married now to Green Billy and her name is Nancy Billy.

Q Is she still living? A Yes sir.

Q Was she born in the Choctaw Nation here? A Yes sir, born in Wade County.

Q And has she always lived here in this country? A Yes sir.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to this hearing, that this is a true and correct translation of my stenographic notes.

W. D. Green

gm
Gf
Gf

7 - D - 140.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Nancy Billy as a citizen by blood of the Choctaw Nation.

D E C I S I O N .

It appears from the census card records in this case that Nancy Billy appeared before the Commission, on May 1, 1899, and made personal application for the enrollment of herself as a citizen by blood of the Choctaw Nation, and thereafter at Talihina, Indian Territory, during the session of the Commission thereat, beginning May 22, 1899, and ending May 23, 1899, further proceedings were had in this case.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission that the name of the applicant appears upon the 1893 Lease District Payment Roll, page 71, No. 530, Wade County, thereof, as Nancy Potts; that she is a full blood Choctaw Indian.

It further appears that the applicant has always lived in Indian Territory.

It is, therefore, the opinion of this Commission that Nancy Potts Billy should be enrolled as a citizen by blood of the Choctaw Nation in accordance with the provisions of section twenty one of the act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Muskogee, Indian Territory,

7-5638

Filed in my
office.

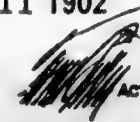
This 9th day of
June A.D. 1902.

S. T. Jefferson
Clerk
Cagle Co. C.N.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBE.

FILED

OCT 11 1902



ACTING CHAIRMAN

CHOCTAW.

849

7-5638

OFFICE OF
G. W. THOMPSON,
CIRCUIT JUDGE SECOND DISTRICT.

Court convenes first Mondays in
December and July, at Sulphur
Springs, Indian Territory.

TUSHKA HOTMA, I. T.,

1901.

Apuckshanabee District
Choctaw Nation

Know all men to whom
these presents shall come,
greeting: Know ye: I G.W. =
Thompson, Circuit Judge of
Second District C. N.
did an according to law
of the Choctaw Nation,
perform marriage ceremony
upon persons of Mr. Dail's
Babahatabe, and Nancy Billy
both from Eagle Town Ind. Ter.
according to the Laws of the
Choctaw Nation, and declared
man and wife.

This 7 day of Dec - 1901

G. W. Thompson

Circuit Judge of
2^d District C. N.

Choctaw 849 and
D 140

Muskegee, Indian Territory, July 22, 1902.

Davis Kbahotubbe,

Eagletown, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen by blood of the Choctaw Nation of Aaron Kbahotubbe, the infant son of Davis and Nancy Kbahotubbe, born April 12, 1902, together with the certificate of G. W. Thompson as to the marriage of Davis Kbahotubbi and Nancy Billy on the 7th day of December, 1901.

The same are returned to you herewith for further information. It appears from our records that when you were on April 25, 1899 listed for enrollment by this Commission as a citizen by blood of the Choctaw Nation, there was listed with you, your wife, Hallie Kbahotubbe, while the mother of the child for whom the application is now submitted appears to be Nancy Kbahotubbe who was formerly Nancy Billy. We find a Nancy Billy, 20 years of age, a full-blood Choctaw Indian, upon our records listed for enrollment May 1, 1899.

The Commission now desires to be informed if your former wife, Hallie Kbahotubbe is dead. If so, when she died and as proof of her death you are requested to have properly executed and return to this office, the enclosed proof of death. In

D E 2

having the same executed, be careful to see that all blanks are properly filled, all names written in full and in event either of the persons whose names are to be affixed to the affidavit are unable to write and their signatures are by mark, that such signatures be attested by two disinterested parties, witnesses thereto. The notary public before whom the affidavits are acknowledged, must affix his notarial jurat and seal to each separate affidavit.

The Commission also desires further information as to Nancy Ebahotubbe, formerly Nancy Billy, your present wife. State her age, the time and place application was made for her enrollment to this Commission, the names of her parents and any additional information you may have regarding her citizenship in the Choctaw Nation.

Upon the receipt of the information requested above together with the return of the application and the evidence of your marriage, the matter will receive further attention.

Yours truly,

Commissioner in Charge.

Enc Y 52

Choc 5639

Louvicey Tupper
(Luvicey)

Trans from Chick

D-387 Feb 7, 1903

5639

Original Chickasaw.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKE, I.T. NOVEMBER 21, 1902.

In the matter of the application of Louvicey Tupper for the enrollment of herself and her child, Hobson Tupper, as Chickasaw Indians.

Louvicey Tupper being sworn on her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Louvicey Tupper.
Q L-o-u-v-i-c-e-y? A Yes sir.
Q How old are you? A I was 24 last July.
Q Where do you live? A Here in Stringtown.
Q In the Choctaw Nation? A Yes sir.
Q How long have you been living in the Choctaw Nation? A All my life.
Q Never lived anywhere else? A No sir.
Q Born here? A Yes sir.
Q Do you claim to be a citizen by blood of the Chickasaw Nation? A Yes sir.
Q Have always resided in the Choctaw Nation? A Yes sir.
Q How much Chickasaw blood have you? A I don't know my mother was full blood Chickasaw.
Q What was your mother's name? A She was a Brown before she married Tecumseh Brown raised her.
Q What was her given name? A Leona Brown.
Q Is your mother living? A No sir.
Q Who was your father? A Thomas Tupper.
Q Was your father Chickasaw? A Choctaw.
Q Was he full blood Choctaw? A Yes sir, full blood Choctaw.
Q Is your father living? A Yes sir.
Q Were your father and mother married? A Yes sir.
Q Whom have you been living with for the past ten years? A Well, I first lived with my aunt--and I had three aunts that I lived with till they died, and then I lived with Mr. Locke a while and from there I went to Durant---to Cale I stayed there with Mrs. Raines; I am living in Stringtown now with Mr. and Mrs. Huddleston; Thomas was my adopted name.
Q You have always been recognized by the Choctaw tribal authorities as a citizen of the Chickasaw Nation? A Yes sir.
Q Where was you living 9 years ago in 1893 when the Leased District Payment was made? A I was living in Cedar County, Choctaw Nation.
Q Did you receive the money? A Yes sir.
Q How much did you get? A \$103 or \$105.
Q You drew as a Choctaw then? A They told us we was to get the Chickasaw-- but we didn't get it. Yes.
Q Who drew the money for you? A My uncle, Willie Yacombe.
Q Where was you living 6 years ago in 1896; when they made the census? A ---
Q Remember when they took the last census of the Choctaws and Chickasaws about 6 years ago? A I guess I was living in Cedar Co, yet then.

Q What name did you go under then? A Went by the same name---
 Tupper I guess.
 Q Ever been married? A No sir.
 Q Have you any children? A Just the one.
 Q What is the name of your child? A Habsch Tupper.
 Q How old is he? A He was 4 years old yesterday.
 Q You are the mother of this child are you? A Yes sir.
 Q Who was the father? A Dick Locke.
 Q Is he an Indian? A Yes sir.
 Q Cheetaw or Chickasaw? A I think Cheetaw.
 Q You never were married to Dick Locke? A No sir.
 Q How long have you lived with him? A A year.
 Q You never lived in the Chickasaw Nation? A No sir.

Henry G. Hains being sworn on his oath states that as stenographer
 to the Commission to the Five Civilized Tribes he reported the pro-
 ceedings had in the above entitled cause on November 21, 1902, and
 that the above and foregoing is a true and correct transcript of his
 stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 21st day of November, 1902.

D. H. L. L. L.

Notary Public.

INDEXED

IN RE

Application for Enrollment of

INFANT CHILD

Hobson Tupper

as a citizen of the

Chickasaw Nation.

Approved NOV 19 1902 190

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

NOV 23 1902

Chickasaw D#387

DEPARTMENT OF THE INTERIOR, COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Chickasaw Nation,
of Hobson Tupper, born on the 20 day of November, 1898
(Here insert name of child.)
Name of Father: Nick Locke, a citizen of the Choctaw Nation.
Name of Mother: Luricy Tupper, a citizen of the Chickasaw Nation.
Post-Office: Stringtown, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

INDIAN TERRITORY.

Central District.

I, Luricy Tupper, on oath state that I am 24
years of age and a citizen, by Blood, of the Chickasaw Nation;
that I ~~was living with~~ Nick Locke, who is a citizen, by
Blood, of the Choctaw Nation, that a male child was
(Male or female.)
born to me on the 20 day of November, 1898; that said child has been
named Hobson Tupper, and is now living.

WITNESSES TO MARK.

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 21st day of

November, 1902.
R. T. Titt
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

INDIAN TERRITORY.

Central District.

I, R. T. Titt, a physician, on oath state that I
know Luricy Tupper wife of Nick Locke and know that
~~attended on Mrs.~~
on the 20th day of November, 1898; that there was born to her on said
date a male child; that said child is now living and is said to have been
(Male or female.)
named Hobson Tupper. R. T. Titt.

WITNESSES TO MARK.

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 21st day of

November, 1902.
R. T. Titt
Notary Public.

7-5639

Muskogee, Indian Territory August 6, 1903.

Louisey Tupper,
Stringtown, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of August 3, asking if you and your son Hobson Tupper are on the approved Choctaw or Chickasaw roll, as you state that you have selected your allotment in the Chickasaw Nation and desire to ascertain in which nation you are enrolled before appearing at the land office.

In reply to your letter you are informed that it appears from our records that Louisey Tupper and her son Hobson Tupper have been enrolled by this Commission as citizens by blood of the Choctaw Nation and on May 20, 1903, their enrollment was approved by the Secretary of the Interior.

You are informed that citizens of the Choctaw and Chickasaw Nations may select their allotments in either or both nations.

Respectfully,

Commissioner in charge.

7-5639

Muskogee, Indian Territory, December 11, 1905.

C. C. McCarty,
Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 7, 1905, inclosing a written application for the enrollment of Thomas C. Grimes as an intermarried citizen of the Choctaw Nation together with marriage license and certificate between himself and Vicia Thomas on March 2, 1904; you state that his wife is enrolled under the name of Leviy Tupper.

In reply to your letter you are advised that under the provisions of the act of Congress approved July 1, 1902, no person who married a citizen of the Choctaw or Chickasaw Nation subsequent to September 25, 1902, the date of the ratification of said act, is entitled to enrollment and allotment as an intermarried citizen of either of said nations.

The papers inclosed by you are herewith returned.

Respectfully,

KB 1-11.

Acting Commissioner.

9-E-387.

The name of No 1
is identical on the
1893 Choctaw payroll
Cedar Co. #136.

She should be
transferred to straight
Choctaw card with
her minor child No. 2.

FEB 6- 1903

GDR.

Choc 5640

Walter Lee Bennett

5640

Original

Department of the Interior
Commission to the Five Civilized Tribes.
South McAlester, Indian Territory.
December 24, 1902.

-:-

In the matter of the application for enrollment as a citizen by blood of the Choctaw Nation of Walter L. Bennett.

A. Telle being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A A. Telle.
Q What is your age? A Forty-three.
Q What is your post office address? A Atoka, I.T.
Q Do you know Walter L. Bennett? A Yes, sir.
Q What is his age? A He is about twenty-one.
Q Where does he live? A In the Chickasaw Nation at Chickasha.
Q Is he a full blood Choctaw? A Yes, sir.
Q Did he draw his pro rata share of the 1893 Leased district money? A Yes, sir.
Q In what county or district? A He was refused in the Chickasaw District but drew money in Blue County.
Q What was the name of his father? A His name was Bennett. He was a whiteman.
Q What was the name of his mother? A Margret Muncrief, her name is Margret Anderson.
Q Do you know if she lives in the Chickasaw Nation? A Yes, sir.
Q Mr. Telle will you make a statement in regard to this boy's name as it appears on the 1893 roll? A In 1893 I was appointed on a Commission, together with Joe Lawrence and Green Gardner, to make a roll of Choctaws residing in the Chickasaw Nation for the purpose of distributing Leased district Money paid to all Choctaws and Chickasaws by blood. At one of our appointments at Chickasha in the Chickasaw Nation, at that appointment the family of Joe Anderson, who is an intermarried citizen, was enrolled. His wife Margret Anderson had, previous to her marriage, with Joe Anderson, had been married to one Bennett a white man, and after his death she married Joe Anderson. As an issue of her marriage with Bennett was one child Walter L. Bennett, who was quite small when his mother was married the second time, and his step father's name being Anderson, it became a custom of the people there to call him Walter Anderson, although his real name was Walter Bennett, and when he was making that enrollment there his name was given to me as Walter L., I enrolled him as Walter L. Anderson; they didn't tell me that he was a step-son of Joe Anderson. Later on I ascertained that Walter L. Bennett was only a stepson of Joe Anderson and that his name instead of being Anderson, should have been Bennett. It also appears that when the Commission was at Chickasha in 1898 the family being quite large, when Joe Anderson appeared for his family he failed to give Walter

Original

as one of the children of Margret Anderson, and his mother was not aware that Walter had not been enrolled by the Choctaw Commission in 1896 or listed for enrollment by the Dawes Commission in 1898, hence this application is made for his enrollment taking his name from the Leased District Pay roll of 1893.

The name of Walter L. Anderson appears upon the 1893 Leased District pay-roll, Chickasaw district, page 1, No. 4; The name of his mother Margret Anderson is found upon the same page, No. 5.

Chas. Diffendaffer, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the foregoing is a full, true and correct translation of his stenographic notes taken in said cause on said date.

Chas. Diffendaffer

Subscribed and sworn to before me this 3d day of January 1903.

Charles H. Sawyer
Notary Public.

Max

Choc 5641

Wiley Adams

Transferred from Choc
R #2. See decision of
Feb. 21, 1903.

5641

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
stenographer to above named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. Green

Commission to the Five Civilized Tribes,

South Canadian, Indian Terr.

In the application of Wiley Adams for enrollment as a Choctaw;
being sworn and examined by Com'r McKennon he states:

Q What is your name? A Wiley Adams.

Q How old are you? A Fifty-six.

Q You are a white man are you? A Yes sir.

Q You were intermarried with a Creek woman who was the widow of
a Chickasaw citizen? A Yes sir.

Q When were you married to her? A Something over twenty-two
years ago.

Q Are you the identical Wiley Adams who is mentioned, #27, here
in an act of the Choctaw council, #62, approved November 6th 1894?

A Yes sir.

Q This act purports to admit you and others to Choctaw citizen-
ship; how long have you resided in the Choctaw Nation? A About
twenty-eight years.

Q You had been living in the Choctaw Nation sometime before you
married this woman? A Yes sir.

Q Have you been living here continuously since that time?

A Pretty near altogether.

Q Did you ever live anywhere else? A I was in Texas one
winter.

Q You made application to the Dawes commission in 1896 for cit-
izenship? A Yes sir.

Q And were rejected? A Yes sir.

Com'r McKennon: That judgment of the Dawes commission is
final against you, and the commission will have to refuse your
enrollment upon that ground.

(Com'r McKennon: His name is not found on the roll of inter-
married citizens of 1896 on page 300, #1425.)

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Atoka, I.T. December 10th, 1900.

In the matter of the application of Wiley Adams for the enrollment of himself as a citizen of the Choctaw Nation. SUPPLEMENTAL PROCEEDINGS.

S. E. Lewis, being sworn and examined by Acting Chairman Bixby, testified as follows:

Q What is your name? A S. E. Lewis.
Q How old are you? A Fifty-nine.
Q Where do you live? A I live at Canadian in the Indian Territory.
Q Are you a Choctaw Indian? A Yes, sir.
Q A Choctaw Indian by blood? A Yes, sir.
Q How long have you lived in this country? A I was born here.
Q Have you ever held any official position in the Choctaw tribe? A Yes, sir. I am citizenship commissioner at present.
Q You are a member of the Choctaw Commission on citizenship at the present are you? A Yes, sir.
Q Are you pretty well acquainted with the people and the laws and customs of the Choctaw Nation? A Yes, sir.
Q Do you know Wiley Adams? A Yes, sir.
Q Do you know whether Wiley Adams applied for citizenship to the Dawes Commission, ---for citizenship in the Choctaw Nation, in 1896? A I only know it by looking at the record.
Q What action did the Commission take in regard to his case? A I think he was denied. That is my recollection.
Q Did he appeal from the judgment of the Dawes Commission to the United States Court of the Indian Territory? A No, sir; he did not appeal.
Q Do you know anything about Wiley Adams claim to citizenship? A He was admitted to citizenship in the Choctaw Nation by a special Act of the Council, I think, in 1884.
Q Were you a member of the Council at that time? A No, sir; I have only saw the law.
Q Then your knowledge of his admission is confined to what you saw in the published laws of the Choctaw Nation? A Yes, sir; and he has always been recognized. They allowed him to vote right along.
MR. BIXBY: (Acting Chairman of Commission) A copy of the General and Special Laws of the Choctaw Nation, passed at regular session of the General Council, convened at Tuskahoma October 8th, and adjourned November 7th, 1884; bill No. 62, page 39, offered in evidence by applicant. The same admits to citizenship one Wiley Adams. Act approved Nov. 6, 1884. The same is filed herewith.
Q Do you know, Judge Lewis, whether or not this applicant Wiley Adams is the identical person which this law purports to admit to citizenship? A Yes, sir; it is the same one.
Q Under the name of Wiley Adams? A Yes, sir. Wiley is his name, but that is the same man.
Q Do you know of any Wiley Adams who claims citizenship? A No, sir.
Q Do you know of any other man by the name of Adams who claims to have been admitted by this Act? A No, sir.
MR. BIXBY: (Acting Chairman of Commission) Do you wish to ask any questions, Mr. Adams?
THE APPLICANT: I desire to ask him about taking an appeal. I

Wiley Adams--Supplemental-----2.
Wpkm

asked him about taking an appeal, and he said he thought it would be all right anyhow. He said he had me on the Choctaw Roll, and that is the question I want to ask him.

ACTING CHAIRMAN BIDBY: You desire to ask him if he gave you that advice? A Yes, sir.

THE WITNESS: He came to me after he was rejected there, and there was quite a discussion about it as to whether the Dawes Commission's action would have any effect as to a man that was already on the Choctaw roll, and I told him I did not think it was necessary to take an appeal, and I told several others the same way, and I got them into trouble. He neglected to appeal on that account at that time. He was admitted by a special act of the Council, and other parties as well as myself thought it was not necessary for him to appeal. It seems that it has turned out different. He was a neighbor of mine and I give the advice as to what I thought was the fact. Of course I was wrong.

Witness excused.

The undersigned, being sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings in the matter of the abovementioned application for enrollment, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 14th day of December
~~1900~~ 19th day of January 1901

W. S. McArthur
Guy L. V. Emerson
Notary Public
~~acting chairman~~

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

In the matter of the application of Wiley Adams for the enrollment of himself as a citizen of the Choctaw Nation.

---: D E C I S I O N :---

It appears from the record in this case that at the session of the Commission at South Canadian, Indian Territory, from September 14, 1899, to September 16, 1899, the applicant, Wiley Adams, appeared before the Commission and made application for enrollment as a citizen of the Choctaw Nation, and that thereafter, to-wit, on December 10, 1900, further evidence was offered before the Commission at Atoka, Indian Territory, in connection with this application, the applicant being present in person; it further appears from the records of the Commission that the Choctaw and Chickasaw Nations were represented by attorney at said hearing.

It appears from the evidence that the applicant is a white man, and was married about the year 1877, to a Creek woman, who was the widow of a Chickasaw citizen, but it does not appear that he was married under the provisions of the Choctaw law; nor does it appear that he was ever married to a Choctaw by blood.

It further appears from the record that this applicant was

#2.

admitted to citizenship in said Choctaw Nation by a special act of the Choctaw Council, approved November 6, 1884, and the evidence shows that this applicant has been recognized as a citizen of the Choctaw Nation and permitted to vote at their elections ever since the said date.

It further appears that the name of Wiley Adams is on the Choctaw census roll of 1896 as an intermarried citizen, which roll is the latest roll in the possession of the Commission. (See Choctaw Census roll of 1896, page 380, number 14255).

From the records in this office, it appears that the applicant herein filed his original petition with this Commission in due time for citizenship in the Choctaw Nation under the act of June 10, 1896, (29 Stats., 321), and the same was denied by the Commission, and no appeal was taken therefrom to the United States Court in Indian Territory. The act above referred to confirmed the rolls of citizenship of the several nations as they existed, and a portion thereof reads as follows:

"That said Commission is further authorized and directed to proceed at once to hear and determine the application of all persons who may apply to them for citizenship in any of said nations, and after said hearing they shall determine the right of said applicant to be so admitted and enrolled; provided, however, that such application shall be made to such commissioners within three months after the passage of this act. That in determining all such applications said commission shall respect all laws of the several nations or tribes, not inconsistent with the laws of the United States, and all treaties with either of said nations or tribes, and shall give due force and effect to the rolls, usages and customs, of each of said nations or tribes; And provided further, That the rolls of citizenship of the several tribes as now existing are hereby confirmed, and any person who shall claim to be entitled to be added to said rolls as a citizen of either of said tribes and whose rights thereto has either been denied or not acted upon, or any citizen who may within three months from and after the passage of this act desire such citizenship, may apply to the legally constituted court or committee designated by the several tribes for such citizenship, and such court or committee shall determine such application within thirty days from the date thereof."

#3.

Under this act the rolls of citizenship of the several tribes, as then existing, were confirmed, and the Commission under said act had the power only to admit to citizenship, and to add to said rolls, the names of those persons who applied to them for citizenship, and no authority existed giving the Commission, at that time, power to eliminate from the tribal rolls the name of anyone thereon.

"The power to hear and determine a case is jurisdiction ----- . Before this power can be affirmed to exist it must be made to appear that the law has given the tribunal the capacity to entertain the complaint against the person or things sought to be charged or executed." (Freeman on Judgments, (Third Edition), Section 118).

But it appears from the decision of this Commission in the case of Jennie Johnson, et al., being Creek case Number 72, which was approved by the Department on January 29, 1902, (I.T.D., 593-1902), that where an application was made under the act of Congress of June 10, 1896, to the Commission to the five Civilized Tribes, and the Commission denied same, this action became final. It appears however from the records of the Commission, that the case of this applicant, Wiley Adams, is distinguishable from the Jennie Johnson case (supra) as, in that case, the names of applicants had been stricken from the tribal rolls by the tribal authorities, while in the case of this applicant he was recognized by the tribal authorities of the Choctaw Nation, and his name appears upon Choctaw census roll of 1896, page 380, number 14255, which is the latest roll in the possession of this Commission. The act of Congress of June 25, 1896 (30 Stats., 495), provided:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (except Choctaw) eliminating from the tribal rolls such names

as may have been placed thereon by fraud or without authority of law, annulling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

Not until this act became a law did the Commission have any authority to deal with the applicant's name, and under this act the only power the Commission has is to strike his name from the rolls, provided it is made to appear that it was placed thereon by fraud, or without authority of law. No charge of fraud is suggested in the record, and it is conceded that the National Council of the Choctaw Nation, in 1884, had the authority to admit this applicant to citizenship in said Nation.

It is, therefore, the opinion of the Commission that its action upon the petition of the applicant for citizenship under the act of Congress of June 10, 1896, was without authority of law, and of no force and effect upon the status of this applicant as a citizen of the Choctaw Nation, and also that Wiley Adams is a citizen of the Choctaw Tribe of Indians in the Indian Territory, and that his application therefor should be granted, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED,

James Bixby.

SIGNED,

I. B. Needles.

SIGNED,

C. R. Breckinridge.

Commissioner.

Washington, Indian Territory,

FEB 16 1903

THIS IS TO CERTIFY THAT THE ABOVE NAMED PERSONS
WAS OR WERE THE OWNERS OF THE LAND DESCRIBED IN THE
CERTIFICATE OF TITLE IN THE NAME OF THE
PERSONS AND THE ABOVE AND THE LAND DESCRIBED IN THE
THE ABOVE AND THE LAND DESCRIBED IN THE

Choctaw Census Card No. 5641.

CASE E. PARKER, Clerk

BY W. H. Hayes CLERK

IN CHARGE Choctaw RECORDS

DATE April 30, 1918.

HHB

5641

ENROLLMENT
JANUARY 1903
067

61 M.A.H. of 26 May 1903

Admission of 2nd enrolled by
independent of 26 May 1903
of 26 May 1903
Authority of January 1903 (E.O. 5-01)

Admission by 2nd Commission in 1906 Charter can 1925. No appeal

No. 1 transferred from Chertaw and R-2 the day
of February 1903. On May 21, 1903 the Secretary of the
affirmed the decision of the Commission admitting No. 1 of
February 21, 1903.

No. 1 admitted by act of Chertaw Council of Nov. 6, 1896

500

Rep. (Supply to the following):
Land
19661-1900

Department of the Interior

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, April 24, 1900.

Messrs. Winningham and Redwine,
Attorneys-at-Law,
South McAlester, Ind. Ter.

Gentlemen:

The office is in receipt of your letter dated April 2, 1900, enclosing the petition of one Wiley Adams for enrollment as a citizen of the Choctaw Nation by adoption.

The petitioner alleges that on September 16, 1899, he made application to the Dawes Commission, in person, at its session at South Canadian, Indian Territory, for identification, and produced evidence to support such application; that said application was rejected by the Commission, which refused to consider his application or to hear the evidence, and that the petitioner believes that no record was made upon which the reviewing officers can intelligently pass in deciding upon the merits of the case. The petitioner asks that the Department issue an order to the Dawes Commission directing it to receive his application, to hear the evidence and to pass upon the rights of the petitioner, or to forward said evidence to the officers of the Interior Department for such action as may be deemed just and equitable with relation to the case.

You are informed that the Commission to the Five Civilized Tribes was duly instructed in its duties in connection with

citizenship cases by Departmental instructions approved August 8, 1899, a copy of which is inclosed herewith for your further information.

Under date of December 26, 1899, the Commission was further instructed, as follows:

"All applicants for enrollment must, under the regulations approved August 8, 1899, present themselves in person, and whenever it appears to the Commission that it is without jurisdiction it should deny the application and should file and retain such papers as have been presented, and should make a complete record of the matter, explicitly stating therein the grounds upon which the applications is denied, and should advise the parties in interest, in writing, of the decision in order that they may understand fully the cause of rejection, and in order that the matter may be considered by the Secretary of the Interior when the rolls are presented for approval."

You are advised that the Department declines to pass upon your client's right to enrollment at this time. Should he again request the Commission to make a record in the case in accordance with the instructions above recited, and should it refuse or neglect to do so, the Department, upon its attention being called to the fact, will properly instruct the Commission, in order that the case may receive proper consideration when the roll of said nation is transmitted to the Department.

The petition of Wiley Adams, mentioned herein, is returned herewith, in order that the petitioner may take such action as he deems proper in the premises.

Very respectfully,


Acting Commissioner.

C. F. H. (B)

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON I. AYRESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

8.76
REFER IN REPLY TO THE FOLLOWING

Creek Indian #1736

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 23, 1902.

Choctaw-Chickasaw Enrollment Division,
Commission to the Five Civilized Tribes.
Gentlemen:

You are hereby advised that Frank Adams, age 21 years, is regularly enrolled on Creek Indian Card, Field No. 1736; that selection of land has been made for him in the Creek Nation, and that his name is included in partial roll of Creek citizens by blood approved by the Secretary of the Interior, March 28, 1902.

It appears that said Frank Adams is the son of Wiley Adams, an adopted Choctaw, and Susan Adams, deceased, a citizen of the Creek Nation.

Respectfully,



Acting Chairman.

COPI.

Choctaw R-2

Muskegee, Indian Territory, February 21, 1903.

Wiley Adams,
Canadian, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission rendered February 16, 1903, granting the application made by you for enrollment as a citizen of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed the name of the applicant will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED,

James Bixby.
Chairman.

Registered.

Enc. IBS. 6-9

Chootaw R-2

COPY

Muskegee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cernish,
Attorneys for the Chootaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission rendered February 16, 1903, granting the application made by Wiley Adams for enrollment as a citizen of the Chootaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Chootaw Nation. If at the expiration of that time, no protest has been filed the name of the applicant will be placed upon the final rolls of the citizens of the Chootaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED,

James L. Dwyer

Chairman.

Registered.

Enc. IBS. 8-9

Choctaw R 2

Muskogee, Indian Territory, February 21, 1903.

Special and
Important.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

There is forwarded you today with a separate letter, a copy of the decision of the Commission of February 16, 1903, enrolling Wiley Adams as a citizen of the Choctaw Nation. In this case you have been allowed fifteen days within which to file protest to the action of the Commission in enrolling the applicant as a citizen of the Choctaw Nation. This matter is especially brought to your attention for the reason that in this decision the Commission holds that it was without jurisdiction, under the act of Congress of June 30, 1896, (29 Stat., 321), to render any decision upon the application of any person for admission to citizenship in the Choctaw Nation whose name was at that time included upon the rolls of the citizens of the Choctaw Nation prepared by the tribal authorities, and whose rights to such citizenship had theretofore been established by any specific act of admission of the Choctaw Council.

If it is your desire and intention to file any protest to the decision of the Commission in this case, under departmental in-

M Moll & C 2

structions it will be necessary that the same be filed within fifteen days from this date, and that proof of service upon the applicant of a copy of such objection and protest be filed with the Commission for transmission to the Secretary of the Interior.

As you are probably aware, there are a number of cases of this character now pending before the Commission where persons who had always been recognized members of the Choctaw Nation by the tribal authorities were denied citizenship by the Commission to the Five Civilized Tribes under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

As this is a matter of considerable importance I have to request that you advise the Commission at the earliest practicable date, if it is your intention to file any protest or objection to the decision of the Commission in this case.

Respectfully,

(Signed) Tams Bixby.

Chairman.

Copy.

South McAlester, Indian Territory, March 3, 1903.

The Commission to the Five Civilized Tribes,
Muskogee, Indian Territory,

Dear Sirs:

We are in receipt of your letter of February 21, 1903, advising us of the action of the Commission in admitting to enrollment as a citizen of the Choctaw Nation Wiley Adams. You state that the Commission holds that it has no power under the Act of June 10, 1896 to render a decision affecting the citizenship status of a person whose name appears upon the tribal rolls having been placed there in pursuance of a specific act of admission of the Choctaw Council.

You ask us to advise you at an early date if it is our purpose to file a protest or objection to this decision of the Commission in the case referred to.

Replying thereto we have to advise that it is not our purpose to file a protest or objection to the decision.

Very respectfully,

(Signed) Mansfield, McMurray & Cornish.

Dictated.

Choctaw R 2

Muskogee, Indian Territory, March 10, 1903.

The Honorable,

The Secretary of the Interior,

Sir:

There is forwarded herewith the record and the decision of the Commission of February 16, 1903, in the matter of the application of Wiley Adams for enrollment as a citizen of the Choctaw Nation. The decision of the Commission of February 16, 1903, holds that the action of the Commission upon the petition of the applicant for citizenship in the Choctaw Nation, filed under the act of Congress approved June 10, 1896, (29 Stats., 321) was without authority of law and of no force and effect upon the status of this applicant as a citizen of the Choctaw Nation.

A copy of the decision enrolling the applicant as a citizen of the Choctaw Nation was furnished Mansfield, McMurray & Cornish, the attorneys for the Choctaw Nation, February 21, 1903, and on March 2, 1903, Mansfield, McMurray & Cornish advised the Commission that it was not their purpose to file any protest or objection to the decision of the Commission in this case.

Wiley Adams has accordingly been enrolled as a citizen of the Choctaw Nation but the record and decision is now forwarded the Department in order that attention may be brought to the action of

Secretary 2

of the Commission in holding that under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321) the Commission was without authority of law to determine the citizenship of any person who was, prior to that time, a recognized and enrolled citizen of the Choctaw Nation or who had previously been admitted to citizenship by an act of the Choctaw National Council.

There are now pending numerous cases of this character where applicants submitted their petitions for citizenship in the Choctaw and Chickasaw Nations under the act of Congress approved June 10, 1896, but who were, at the time of the submission of their petitions recognized and enrolled citizens of the tribes.

In order that similar cases of this character may be disposed of at the earliest practicable date, the Commission has respectfully to request immediate departmental action in the case herewith submitted.

Respectfully,

Chairman.

Through the Commissioner
of Indian Affairs.

Commissioner.

Choctaw R 2.

Commissioner.

I.T.D.
4398-1903.

P.L.C.
D.C. 1884

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

B.V.P.

J.R.W.

W.C.P.

May 21, 1903.

The Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

I have considered the proceedings of your commission upon the application of Wiley Adams for enrollment as a citizen of the Choctaw Nation. The facts as found by your Commission are that Adams appeared before the Commission in the year 1899, under the act of June 10, 1896 (29 Stat., 321); that he is a white man, and about 1877 married a Creek, the widow of a Chickasaw citizen, and was by special act of the Choctaw Council, approved November 6, 1884, admitted to citizenship of the Choctaw Nation and has ever since been recognized as a citizen of that nation and permitted to vote at their elections. His application was denied by the Commission and no appeal was taken to the courts.

He was borne upon the Choctaw census roll of 1896 as an intermarried citizen. The act of June 10, 1896 (29 Stat., 321, 339), provided:

..... That in determining all such application said commission shall respect all laws of the several nations or tribes, not inconsistent with the laws of the United States, and all treaties with either of said nations, or tribes, and shall give due force and effect to the rolls, usages, and customs of each of said nations or tribes; and provided, further, That the rolls of citizenship of the several tribes as now existing are hereby confirmed, and any person

who shall claim to be entitled to be added to said rolls as a citizen of either of said tribes and whose right thereto has either been denied or not acted upon, or any citizen who may within three months from and after the passage of this Act desire such citizenship, may apply to the legally constituted court or committee designated by the several tribes for such citizenship, and such court or committee shall determine such application with thirty days from the date thereof.

You Commission was of the opinion that :

Under this act the rolls of citizenship of the several tribes, as then existing, were confirmed, and the Commission under said act had the power only to admit to citizenship, and to add to said rolls, the names of those persons who applied to them for citizenship, and no authority existed giving the Commission, at that time, power to eliminate from the tribal rolls the name of any one thereon.

.....
..... his (the applicant's) name appears upon the Choctaw census roll of 1896, page 380, number 14255, which is the latest roll in the possession of this Commission. The act of Congress of June 28, 1898 (30 Stat. a., 495), provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (except Cherokee) eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

Not until this act became a law did the Commission have any authority to deal with the applicant's name, and under this act the only power the Commission has is to strike his name from the rolls, provided it is made to appear that it was placed thereon by fraud, or without authority of law. No charge of fraud is suggested in the record, and it is conceded that the National Council of the Choctaw Nation, in 1884, had the authority to admit this applicant to citizenship in said Nation.

It is, therefore, the opinion of the Commission that its action upon the petition of the applicant for citizenship under the act of Congress of June 10, 1896, was without authority of law, and of no force and effect upon the status of this applicant as a citizen of the Choctaw Nation, and also that Wiley Adams is a citizen of the Choctaw Nation, and also that Wiley Adams is a citizen of the Choctaw Tribe of Indians in the Indian Territory, and that his application therefor should be granted, and it is so ordered.

A special act of the nation's council is no less a law of the tribe than is a general one. It has been one of the well known usages and customs of the several Indian tribes to adopt persons of other races. Naturalization by one nation of persons of other races or nations is so general as to be almost a universal practice. The act of June 10, 1896, supra, conferred upon the Commission no power to strike from the rolls persons borne thereon by the act and with the full consent of the tribe. The action of your Commission is therefore approved.

Very respectfully,

Thos. Ryan,

Acting Secretary.

Land

17978--1903.
29340 "

DEPARTMENT OF THE INTERIOR

Office of Indian Affairs.

Washington, May 11, 1903.

The Honorable

The Secretary of the Interior.

Sir:

This office is in receipt of Departmental letter of the 8th instant (I.T.D. 4268) calling attention to telegram of the Commission to the Five Civilized Tribes of the 7th instant asking early action in the case of Wiley Adams for enrollment as a citizen of the Choctaw Nation, as there are pending a number of analogous cases requiring early action, and I now have the honor to transmit the record in that case.

The record in this case shows that by an act of the Citizenship Committee of the Choctaw Nation which was approved November 6, 1884, by the Principal Chief of the Choctaw Nation, Wiley Adams was duly admitted to citizenship in the Choctaw Nation; that subsequent to the passage of the Act of Congress approved June 10, 1896, Wiley Adams appeared before the Commission to the Five Civilized Tribes and applied for enrollment by the Commission as a citizen of the Choctaw Nation at South Canadian, Indian Territory, the examination being conducted by Commissioner McKennon, and as a result of that examination was rejected by the Commission.

-2-

That said Commission is ~~not~~ authorized and directed to proceed at once to hear and determine the application of all persons who may apply to them for citizenship in any of said nations and after such hearing they shall determine the right of such applicant to be so admitted and enrolled: provided, however, That such application shall be made to such Commissioners within three months after the passage of this Act. The said Commission shall decide all such applications within ninety days after the same shall be made. That in determining all such applications said Commission shall respect all laws of the several nations or tribes, not inconsistent with the laws of the United States, and all treaties with either of said nations or tribes, and shall give due force and effect to the rolls, usages, and customs of each of said nations or tribes: And provided, further, That the rolls of citizenship of the several tribes as now existing are hereby confirmed, and any persons who shall claim to be entitled to be added to said rolls as a citizen of either of said tribes and whose right thereto has either been denied or not acted upon, or any citizen who may within three months from and after the passage of this Act desire such citizenship, may apply to the legally constituted court or committee designated by the several tribes for such citizenship, and such court or committee shall determine such application within thirty days from this date thereof.

On December 10, 1900, supplemental proceedings were had in the matter of the application of Wiley Adams, the testimony of S. E. Lewis, a Choctaw Indian by blood having been taken showing that Wiley Adams had been duly admitted to citizenship by the Citizenship Committee of the Choctaw Nation, as is also shown by copy of the general and special laws of the Choctaw Nation passed at regular session of the general council convened at Tuskahoma, October 5, and adjourned November 7, 1884.

In its statement of the case the Commission says, "It appears from the evidence that the applicant is a white man, and was married about the year 1877, to a Creek woman, who was the widow of a Chickasaw citizen, but it does not appear that he was married under the provisions of the Choctaw law; nor does it appear that he was married to a Choctaw by blood. x. x. x. And the evidence shows that this applicant has been recognized as a citizen of the Choctaw Nation and permitted to vote at their election ever since the said date", November 6, 1884.

The Commission further states that the name of Wiley Adams is on the Choctaw census roll of 1896 as an intermarried citizen, which roll is the latest roll in the possession of the Commission. From the records of the office of the Commission it appears that the applicant filed his original petition with the Commission in due time to be properly considered under the Act of June 10, 1896; that while the application was denied by the Commission, no appeal was taken to the United States Court in Indian Territory.

Quoting from the Act of June 10, 1896, the Commission states that under it the rolls of citizenship of the several tribes as then existing were confirmed, and the Commission, under said Act, had the power only to admit to citizenship and to add to said rolls the names of those persons who applied to them for citizenship and no authority existed giving the Commission at that time power to add names to the tribal rolls the name of James Thomas.

The Commission says, it appears from the decision in the case of Jennie Johnson, et al., Creek case No. 72, approved by the Department January 29, 1902 (I.T.D. 50-02), that where an application is made under the Act of Congress of June 10, 1896, to the Commission to the Five Civilized Tribes, which application was denied, the decision became final; but that it appears from the records of the Commission that the case of Wiley Adams is distinguishable from the Jennie Johnson case, as in that case the names of the applicants had been stricken from the tribal rolls by the tribal authorities, while in the case of this applicant he was recognized by the tribal authorities of the Choctaw Nation, and his name appears upon the Choctaw census roll of 1896, page 380, No. 14255.

Quoting the provision of the Act of Congress approved June 28, 1898 (30 Stat., 495), as follows:

"said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (except Cherokee) eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

the Commission says, not until this Act became a law did the Commission have any authority to deal with the applicant's name, and under this Act the only power the Commission has is to strike his name from the rolls, provided it is made to appear that it was placed thereon by fraud or without authority of law.

No charge of fraud is suggested in the record, and the Commission says, it is conceded that the national council in 1884 had the authority to admit this applicant to citizenship in said nation.

It is therefore the opinion of the commission that its action upon the petition of the applicant for citizenship under the Act of Congress of June 10, 1896, was without authority of law and of no force and effect upon the status of the applicant as a citizen of the Choctaw Nation; and also that Wiley Adams is a citizen of the Choctaw tribe of Indians in Indian Territory, and that his application therefore should be granted, and it was so ordered.

I can see no conflict or lack of harmony between the decision of the Commission herein and of the Department in the case of Jennie Johnson, et al. Jennie Johnson's name did not appear upon a roll of the citizens of the Choctaw Nation at the time of the hearing in her case because it had been stricken from the rolls by the action of the Choctaw National Council. It was proper that she should have appeared before the Commission in 1896, if she saw fit, for the purpose of having the Commission reinstate her under the law in force at that time, but the Commission deciding against her interests the department sustained its action.

In the case of Wiley Adams he was already on a roll of the Choctaw Nation which, by the law of June 10, 1896, was confirmed and there was no authority conferred on the commission by that law to reject him, so that in the case of Jennie Johnson, et al., the Commission was acting within the scope of its authority in rejecting

them, but in the case of Wiley Adams it had no authority of law to take the action it did.

As is suggested by the Commission, it had no authority under that law to remove his name from the Choctaw tribal rolls, and its action in that instance was a nullity.

Under the Act of June 23, 1898, the Curtis Act², additional powers were vested in the Commission in that it was authorized to remove names from the rolls which had been placed there improperly, but the investigation in this case did not disclose any improper circumstances in connection with the enrollment of Wiley Adams by the Choctaw tribal authorities.

No charge had been made that the name was there improperly, and it is my judgment that the action of the Commission in this case is proper and should be approved, and I recommend accordingly.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

E.B.H.(5)

Chectaw 5641
Chectaw-R-2.

COPY.

Muskogee, Indian Territory, June 2, 1903.

Wiley Adams,

Canadian, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior, under date of May 21, 1903, affirmed the decision of this Commission, dated February 21, 1903, granting your application for enrollment as a citizen of the Chectaw Nation.

Respectfully,

(SIGNED).

T. B. Needles.

Commissioner in Charge.

Choctaw 5641
Choctaw-A-2.

COPY.

Muskogee, Indian Territory, June 2, 1903.

Wentfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that the Secretary of the Interior,
under date of May 21, 1903, affirmed the decision of this Commission,
dated February 21, 1903, granting the application of Wiley Adams for
enrollment as a citizen of the Choctaw Nation.

Respectfully,

(SIGNED).

T. B. Needles.

Commissioner in Charge.

7-5641

Muskogee, Indian Territory, June 3, 1903.

Commissioner in Charge,
Chester Land Office,
Atoka, Indian Territory.

Dear Sir:

Enclosed you will find a copy of original Chester enrollment card No. 5641. You are requested to enter the name, information and notations thereon upon duplicate Chester enrollment card, No. 5641. *in your possession*

Respectfully,

Commissioner in Charge.

Chec. L. O.
Enc. MT. 80

7-5641

Muskogee, Indian Territory, July 8, 1903.

Wiley Adams,

Canadian, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 6, 1903, requesting that you be furnished with a ticket of admission to the Choctaw Land Office,

In reply thereto you are advised that it appears from the records of the Commission that you have been enrolled by this Commission as a citizen by adoption of the Choctaw Nation, but your name has not yet been placed upon the schedules of citizens of said nation prepared for forwarding to the Secretary of the Interior, and for that reason no ticket of admission can be issued to you at this time.

If you will forward a description of the land which you desire to select in allotment proper notation thereof will be made upon our records and you will be notified in the event any other citizen makes application for the same land or any portion of it and you will be permitted to institute contest proceedings for its possession.

Respectfully,

Commissioner in Charge.

LRS

J.P.
THE.

DC-12278-1907.
I.T.D. 4396-1903.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

February 28, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In view of the opinion of the Attorney-General in the Choctaw enrollment cases of Myrtie Randolph, et al., in which it was held, in disposing of the case of William C. Thompson, et al., that the judgment of the Commission to the Five Civilized Tribes under the Act of June 10, 1896, not having been appealed from, was final and conclusive against the right of the parties to be admitted to citizenship, the decision of the Department of May 21, 1903, affirming the decision of the Commission to the Five Civilized Tribes in favor of the applicant in the Choctaw enrollment case of Wiley Adams, is hereby rescinded.

It is shown that Wiley Adams was admitted to citizenship in the Choctaw Nation in 1884, and was recognized thereafter as a citizen of the Nation. His application, however, to the Commission to the Five Civilized Tribes, in 1896, was denied by the Commission and no appeal was taken to the court. That decision having become final, you are directed to cancel his name from the partial roll of citizens of the Choctaw Nation as of this date, referring to this letter as your authority. Inform the

Department where on the partial roll the name of this applicant
may be found, in order that this action may be noted thereon.

A copy hereof has been sent to the Indian Office.

Respectfully,

Jesse B. Wilson,

Assistant Secretary.

AFMc
5-1-07.

Muskogee, Indian Territory, March 3, 1907.

The Honorable,

The Secretary of the Interior.

Sir:-

On this date I telegraphed the Department as follows:

"In accordance with Departmental instructions of February twenty-eighth, name of Wiley Adams, opposite number fifteen thousand and twenty-seven, upon the final roll of citizens by blood of Choctaw Nation, has been stricken therefrom."

and this will confirm same.

Respectfully,

Commissioner.

V-5641

Muskogee, Indian Territory, March 29, 1907.

Wiley Adams,

Canadian, Indian Territory.

Dear Sir:

You are hereby advised that in accordance with an opinion of the Attorney General of the United States of February 19, 1907, the Secretary of the Interior on March 1, 1907, directed the cancellation of your enrollment upon the roll of citizens by blood of the Choctaw Nation.

Your name has accordingly been stricken from copy of said roll in the possession of this office.

Respectfully,

Acting Commissioner.

7-5641

Muskegee, Indian Territory, April 2, 1907.

Linebaugh Brothers,
Attorneys at Law,
Atoka, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of March 27, 1907, asking the status of the citizenship case of Wiley Adams.

In reply to your letter you are advised that the enrollment of Wiley Adams upon the roll of citizens by blood of the Chectaw Nation was cancelled by an order of the Department March 1, 1907, in accordance with an opinion of the Attorney General of the United States of February 19, 1907.

The matter of the certificates of allotment and papers will be made the subject of a separate communication.

Respectfully,

Acting Commissioner.

COPY

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

Address only
The Secretary of the Interior.

C W W

January 19, 1900.

File 5-51.

The Commissioner to the
Five Civilized Tribes,
Muskogee, Oklahoma.

Sir:

November 30, 1900, the Supreme Court rendered decisions in what are known as the Goldsby and Allison cases. These suits were brought to obtain mandates against the Secretary of the Interior to correct the rolls as to said Goldsby and Allison, on the ground that the Secretary of the Interior after placing their names upon approved rolls of citizenship had attempted to strike them from these rolls without notice and an opportunity to be heard. The decision of the Supreme Court is that mandate shall issue in these cases.

There are many suits of a similar nature pending against the Secretary of the Interior, and after careful conference between this Department and the Department of Justice it was decided that judgment should be allowed in all pending mandamus actions in which the relators stand clearly in the

same position as Goldsby and the Allison. Pursuant to these conferences and to the judgments which may be entered on account of the above decisions of the Supreme Court, you are hereby directed to erase the interlineations and notations which purport to strike any of the following names from the rolls of citizens of the respective nations of the Five Civilized Tribes:

PERSONS WHO HAD PRIOR TO THE GOLDSBY DECISION INSTITUTED SUITS

THE PRINCIPLES OF WHICH ARE UNDOUBTEDLY SIMILAR TO THE
OPINION OF THE SUPREME COURT IN THAT DECISION.

Chickasaws by Flood.

<u>Roll No.</u>	<u>Name.</u>	<u>Suit No.</u>	<u>Court.</u>
4984	Goldsby, John E.	848	U.S.S.C.
4985	Goldsby, Linniel E.	50033	S.C.D.C.
4986	Goldsby, Bessie	50033	S.C.D.C.
4987	Goldsby, Murray M.	50033	S.C.D.C.
4969	Vaughan, Edward A.	372	U.S.S.C.
4970	Vaughan, Grover C.	371	U.S.S.C.
4971	Vaughan, Oscar E.	371	U.S.S.C.

Chickasaws by Intermarriage.

621	Adams, John Quincy	50033	S.C.D.C.
621	Lancaster, William T.	50033	S.C.D.C.
606	McGey, Clay	49858	S.C.D.C.
631	Ragland, James W.	51025	S.C.D.C.
596	St. John, Thomas	50383	S.C.D.C.
605	Vaughan, Benjamin F.	375	U.S.S.C.

(B)

Specimens by Blood

<u>Ball No.</u>	<u>Name</u>	<u>Ball No.</u>	<u>Grade</u>
15027	Adams, Wiley	50033	S.C.D.C.
15048	Antrey, Columbus S.	49723	S.C.D.C.
16040	Beaver, Gertrude	50033	S.C.D.C.
16041	Beaver, Clarence	50033	S.C.D.C.
16042	Beaver, Nellie	50033	S.C.D.C.
16043	Beaver, Myrtle	50033	S.C.D.C.
15917	Beaumont, Edna V.	50033	S.C.D.C.
15912	Crowder, Van	50033	S.C.D.C.
15910	Crowder, Willie	50033	S.C.D.C.
15909	Crowder, Delores	50033	S.C.D.C.
15908	Crowder, Joe	50033	S.C.D.C.
15907	Crowder, Louise	50033	S.C.D.C.
15906	Crowder, George W.	50033	S.C.D.C.
16020	Green, Teddy	49724	S.C.D.C.
16049	Green, Leora	49724	S.C.D.C.
16035	Howard, Thomas J.	50033	S.C.D.C.
16034	Howard, Harace	50033	S.C.D.C.
16033	Howard, Lemmie	50033	S.C.D.C.
16032	Howard, Huey	50033	S.C.D.C.
16031	Howard, Elmer	50033	S.C.D.C.
16030	Howard, Bessie Penny	50033	S.C.D.C.
16029	Howard, Dora Lee	50033	S.C.D.C.
15421	James, (or Richardson) Maggie M.	50033	S.C.D.C.

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<u>Roll No.</u>	<u>Name.</u>	<u>Suit No.</u>	<u>Court.</u>
15452	James, Ellis E.	50033	S.C.D.C.
15453	James, Analeuris	50033	S.C.D.C.
15454	James, Evalina	50033	S.C.D.C.
15961	James, Agnes	50033	S.C.D.C.
15394	Kirk, Gabriella	50355	S.C.D.C.
15393	Kirk, Sarah	50355	S.C.D.C.
15955	Shelton, Emma	51240	S.C.D.C.
15982	Shelton, Frank	51240	S.C.D.C.
15645	Sumpter, John	50033	S.C.D.C.
15646	Sumpter, Amanda Isabella	50033	S.C.D.C.
15647	Sumpter, Jim Andy	(50033) 51240	S.C.D.C.
15648	Sumpter, Scott Taylor	50033 51240	S.C.D.C.
15649	Sumpter, Dixon D.	51240	S.C.D.C.
15912	Wright, Netey	50033	S.C.D.C.
15913	Wright, Thomas E.	50033	S.C.D.C.
15914	Wright, Mary M.	50033	S.C.D.C.
15915	Wright, Leonard D.	50033	S.C.D.C.
<u>QUESTIONS BY MARRIAGE.</u>			
1408	Allen, Andrew J.	50033	S.C.D.C.
1409	Atwood, Chester C.	50353	S.C.D.C.
1473	Beal, Andrew	50947	S.C.D.C.
1408	Bowling, Mary M.	51026 50033	S.C.D.C.

Roll No.	Name.	Roll No.	Court.
1543	Carter, John W.	50034	S.C.D.C.
1404	Cummings, Henry A.	50035	S.C.D.C.
1524	Crowder, Parlee S.	50036	S.C.D.C.
1339	Harris, Calvin R.	49723	S.C.D.C.
1573	Howard, Carrie	50037	S.C.D.C.
1399	Kirk, J. W.	50344	S.C.D.C.
290	Klugh, August	50038	S.C.D.C.
1027	Perkins, Mattie A.	50345	S.C.D.C.
1491	Reichert, William	51026	S.C.D.C.
1400	Rice, Abraham L.	574	S.C.D.C.
1423	Shultz (or Shultz) Fannie	51027	S.C.D.C.
1498	Shulton, John	50948	S.C.D.C.
1469	Smyter, Jacob B.	50039	S.C.D.C.
340	Trevia, Robert A.	50949	S.C.D.C.
1403	White, Angelina	51028	S.C.D.C.
602	Woodward, Charles A.	49494	S.C.D.C.

MISSOURI
Act of Congress Approved April 20, 1896.

167	Barnett, Effie	50033	S.C.D.C.
457	Beaver, Hazel Calvin	50038	S.C.D.C.
458	Beaver, Glad B.	50033	S.C.D.C.
459	Herbert, Edward	50033	S.C.D.C.
674	Crowder, Nettie Myrl	50033	S.C.D.C.
683	Groom, Lee	49724	S.C.D.C.
823	Wright, Fannie Jane	50033	S.C.D.C.

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Roll No.	Name.	Character by Blood.	Suit No.	Court.
31910	Allison, John		49434	S.G.D.C.
31960	Allison, Johnnie S.		49436	S.G.D.C.
31961	Allison, Frankie P.		49437	S.G.D.C.
31956	Allison, Ida B.		249	U.S.S.C.
31957	Allison, George A.		250	U.S.S.C.

A careful investigation of these names concerning which no suits were brought, but which, after being upon an approved roll of citizens or freedmen of any of the Five Civilized Tribes, were stricken therefrom without notice and an opportunity to be heard, has thus far developed a list which undoubtedly falls within the principles expressed by the Supreme Court in the Goldsby decision. All these persons are in the same position as those named in the above list of those who had filed suits prior to that decision. It follows necessarily that, if suits were instituted in these cases, judgment must be allowed as was done in the case of the names on the above list. For this reason I have decided that it would be improper to delay the correction of the rolls as far as these persons are concerned. Such delay would continue the rolls in an incorrect condition according to the opinion of the Supreme Court, would bring hardship and expense upon the citizens and freedmen involved, and would delay completion of the work of the Commission to the Five Civilized Tribes.

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The correction of the rolls in these cases does not add names to the rolls, but merely erases from the rolls interlineations and notations which the court says the Secretary of the Interior has no power to place there. For those reasons you are hereby directed to erase the interlineations and notations which purport to strike any of the following names from the rolls of citizens of the respective nations of the Five Civilized Tribes:

PERSONS WHO HAD NOT INSTITUTED SUITS PRIOR TO THE GOLDSBY DECISION BUT WHOSE CASES FALL INDUBITABLY UNDER THE PRINCIPLES OF THAT DECISION.

Chickasaws by Blood.

<u>Roll No.</u>	<u>Name.</u>	<u>Roll No.</u>	<u>Name.</u>
5013	Perry, Joe	5014	Perry, Dillard

Chickasaws by Marriage.

622	Archerd, John W.	629	Shanks, Mary A.
626	Hargis, Ballie J.	614	Ramsay, Gustavus A.

Cheektaws by Blood.

16103	Allen, Elizabeth	16110	Crutchfield, Loutitia
16112	Bungarner, George A.	16106	Crutchfield, Everett
15926	Crowder, John A.	16111	Crutchfield, George W.
15924	Crowder, Finkie B.	15450	James, Alice E.
15923	Crowder, Katie B.	15972	Jennings, Arthur
15921	Crowder, Eli W.	15973	Jennings, Clyde
15922	Crowder, James	15916	Keifer, Ardella
15906	Crowder, Winnie		
	Gertrude	16003	Long, James E.
15904	Crowder, John F.	16004	Long, Joseph

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Roll No. Name.

15903 Crowder, William H.
15908 Crowder, Rosa
15901 Crowder, Maggie
15900 Crowder, Abigail
15899 Crowder, William J.
16106 Crutchfield, Ida
16107 Crutchfield, Emma
16108 Crutchfield, Louvina
16109 Crutchfield, William

Roll No. Name.

16008 Long, Verbis
921 Long, Josephine DeFlere
922 Long, Jake LaFlere
9258 Peabworth, Henry
15928 Randall, Grever
16104 Ritter, David
15956 Robinson, Mary R.
15951 Shelton, Daisy
15957 Trice, Mary A.

Chesters by Marriage.

1486 Beagles, Allen
1537 Backholts, Jeannetta H.
1559 Cheate, Amanda
1412 Crowder, Lydia Ann
1523 Crowder, Josephine
955 Foster, Mary A.
1421 Freemy, Mattie
1489 Gann, William Newton
1618 Gray, John Calvin
1218 Guntar, Benjamin B.
1480 Kelly, William F.
1476 Lewis, Vlacy
1150 Lindsay, Eldon T.

1414 McClure, Madell
1614 McCalley, Martha J.
1407 McMurtry, Lucy
1550 One, Julia
1410 Paxton, William D.
1406 Raben, Robert L.
1490 Redding, Ella
1475 Rigney, Rosa R.
1219 Roberts, George W.
1531 Robinson, Frederick R.
1353 Russell, Mattie M.
1127 Smith, Ira L.
1435 Staton, John T.

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1408	Merryman, Sarah	648	Southland, Henry
1418	Mitchell, Virginia P.	1470	Tucker, William W.
1419	Mitchell, Mattie S.		
1416	Moran, Mary	1448	Vinecent, Charlie S.

Minor Cherokee Citizens.

Roll No. Name.

784	Brandrick, Jennie Louise	761	Kiefer, Barbara
4	Crowder, Rufus Clay	649	Long, Francis
790	Kiefer, Odie A.		

Roll No. Name.

Cherokee by Blood.

31958	Allison, Elmer G.	31960	Allison, Jasper P.
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In order that the action of erasures may be uniform for all names and upon all rolls, you will make such erasures in the following manner: The lines drawn through and purporting to cancel the names from the rolls shall be lined out by drawing across them short transverse lines in red ink. The notations purporting to cancel the names from the rolls shall be lined out by drawing through each line of said notations red horizontal lines. In addition to lining out the interlineations and notations you will insert a note at the foot or side of each page containing any of these corrections, said note to be indicated by stars placed before the names involved. The note shall read as follows:

"Words and lines purporting cancellation erased by authority of departmental letter of January 19, 1900 (File S-21)."

You will notify all persons, whose status on the rolls

(10)

has been recognized as above, of the action taken, and that they have all the rights to allotment and payments enjoyed by other citizens, as though no attempt had ever been made to cancel their names from the rolls.

Except for the Allisons named in above lists, I am not ready to give you a list of the Cherokees and Creeks whose status upon the rolls will be corrected under the principles of the Goldsby decision. Direction concerning them will follow within a week.

There are other names which were upon approved rolls and were erased or stricken therefrom by the Secretary of the Interior without notice. Some of these are already the subject of injunction or mandamus actions against the Secretary of the Interior, and in other cases such action has not been instituted. There are reasons which make it doubtful whether these persons fall inevitably under the principles of the Goldsby decision. Careful consideration of the matter will be given at once, and, according to the decision reached in each case, the persons involved will be left to such court action as they deem wise or will have the rolls corrected by departmental action in the manner indicated for the two lists set forth above.

A sample page is inclosed, showing the method of erasure to be followed by all officers in the correction of the rolls.

Very respectfully,
(Signed) James Rudolph Garfield.
Secretary.

7-5641

Muskogee, Oklahoma, February 2, 1909.

Mr. Wiley Adams,
Canadian, Oklahoma.

Sir:

I am instructed by the Department of the Interior that in accordance with the decision of the Supreme Court of the United States in the suit instituted by you against the Secretary of the Interior seeking to have erased from the final roll of citizens by blood of the Choctaw Nation any notations indicating an attempt to strike your name from said roll, said notations shall be erased and that you have all the rights to allotment and payments enjoyed by other citizens as if no attempt had ever been made to cancel your name from this roll.

Said instructions have been carried out by this office, and you are now advised that the status of your name on the approved roll of citizens of the Choctaw Nation and of your allotment selection in said nation is the same as prior to March 4, 1907, when the Secretary of the Interior directed that your name be stricken from the roll.

Respectfully,

Commissioner.

WHA(CM)

Choc 5642

Joseph E. Dyer

+

Lorena A. Dyer

5642

Transferred from Choc

D# 266 and Choc D#522

119.166

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
stenographer to above named Commission, that this
transcript is a true, full and correct translation of
the notes.

Commission to the Five Civilized Tribes

McAlester, I.T., Nov. 14, 1899.

McKennon

In the enrollment of Joseph E. Dyer as an intermarried Choctaw; being sworn and examined by Com'r McKennon he states:

- Q What is y ur name? A Joseph E. Dyer.
- Q How old are you? A Thirty-five.
- Q You claim to be an intermarried Choctaw citizen? A Yes sir
- Q What is the name of your Choctaw wife? A ,Lourena Graves was her maiden name.
- Q You say she and her children were placed on a white card at Red Oak; was her mother a Cherokee? A Yes sir.
- Q Have they been enrolled in the Cherokee Nation? A Yessir.
- Q Did you obtain a license to marry her? A Yes sir.
- Q Where? A At David Perkins, in Blue County, near Boggy Depot.
- Q He was Judge of that County at that time? A Yes sir.
- Q And he issued you a license? A Yes sir.
- Q Were you living in the Choctaw Nation? A Yes sir.
- Q How long had you been living there? A About two years.
- Examined by Chick Com'r Peter Maytubby:
- Q When did David Perkins issue that license? A In 1888.
- Com'r McKennon:
- Q What became of the license? A When I got my license Henry Perkins was there; he was the clerk, and I paid him to record the license, paid him fifty cents, and when I married I mailed the license to him at Tulip, Texas; that was my nearest post-office; I was living on the Red River in the Territory.
- Q Did you ever hear of it after that? A No sir.
- Q Did you ever investigate to see if you could get a certified copy of the record? A Yes sir, and he claimed he never got the license; I am satisfied he got it.
- Q They were lost then? A Yes sir.

Joseph E. Dyer #2)

Henry Byington being sworn and examined states:

Q What is your name? A Henry Byington.

Q How old are you? A Forty-eight.

Q What do you know about Dyer's license? A Mr. Dyer got me to see if I could get a certified copy of his license for him, and Henry Perkins told me that the license was lost or destroyed in some way; he couldn't find them; he said when he left the office he left them just that away, and when he come back he couldn't find them.

Q Where is Henry Perkins? A He is dead.

Q When was it you saw him? A He has been dead about a year I think.

Joseph E. Dyer re-called states:

Q Who performed the ceremony? A Parson Loyd, of Armstrong Academy.

Q This certificate you present, was it made at that time.

A No sir.

Q When was it made? A In September I think.

Department of the Interior,
Commissary to the Five Civilized Tribes.
I hereby certify, upon my official oath as
stenographer to above named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. Green

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, INDIAN TERRITORY, DECEMBER 11, 1900.

Choctaw Nation

vs

Choctaw D 266.

Lorena Dyer.

CONTENTION OF CHOCTAW NATION.

Question of Cherokee blood.

Lorena Dyer, having been first duly sworn by Acting
Chairman, Tams Bixby, testifies as follows:

Examined by A. Telle, attorney for applicant.

- Q State your name and age? A Lorena Dyer.
Q How old are you? A I am thirty one.
Q Where do you live? A I live in the Choctaw Nation, Enterprise.
Q Enterprise is your post office? A Yes sir.
Q How long have you lived in the Choctaw Nation? A I have been living
where I live now nearly four years.
Q Were you born in the Choctaw Nation? A Yes sir.
Q And raised in the Choctaw Nation? A Yes sir.
Q You are married, I believe? A Yes sir.
Q To whom are you married? A Joe Dyer.
Q Is he a white man? A Yes sir. He is a white man.
Q When were you married to to him? A I was married the 28th of Febru-
ary, '98.
Q '98? A Yes sir. to him?
Q Was that your first marriage? A Yes sir.
Q You are sure that it was '98 that you were married? Two years ago?
A No, it was '89.
Q Who was your mother? A You mean her maiden name?
Q Who is your mother? A Jennie Kinghorn.
Q What is her nationality? A Cherokee.
Q Do you know whether or not she is any Cherokee roll? A No, I don't
Q Are you on any Cherokee roll that you know of? A I don't know
whether I am or not.
Q Did you ever draw any money from the Cherokee Nation for any pur-
pose? A Yes sir.
Q What money was that? A Strip money.
Q Was that the only money you ever drew? A Yes sir.
Q How many children have you? A I have six.
Q What are their names. A Jack, eleven; Mary nine, Jessie five,
Robert, three, Fannie, fourteen months, Mamie, fourteen months.
Q The two latter are twins, are they? A Yes sir.
Q Did any of these children draw that Cherokee strip money? A The
two oldest.
Q Who was your father? A Daniel Braves.
Q What was he? A He was Choctaw.
Q He was married to your mother, Mrs. Kinghorn? A Yes sir.
Q Was he married to her in this country? A Yes sir.
Q Have you any way of knowing about the date of his marriage
A Only just from what he says, '68.
Q Then if I understand you, your father was a Choctaw? A Yes sir.
Q Your mother is a Cherokee? A Yes sir.
Q And you don't know whether she is a recognized
Cherokee or not? A No sir, I don't know anything about it.
Q Do you know whether your mother's name appears on the 1880 roll
of the Cherokee Nation or not? A I think not.
Q Has she ever been informed of that fact as far as you know?
A I don't know.

Lorena Dyer - 2

- Q And you don't know of ever being on any roll except the Cherokee strip payment roll? A That is all.
Q Were you living in the Cherokee Nation at that time you drew the money? A No sir.
Q Living in the Choctaw Nation? A I was living in the Creek Nation.
Q Are you related to the children of Julius C. Hampton, of Caddo? A Yes sir.
Q In what way? A They are my nephews, the two oldest.
Q Now I understand you then, their mother was your sister. My half sister.

Mr. Telle: The statement of Mrs. King with reference to the roll of those children was given in at Durant last year. I don't know whether the Commission would be willing to consider that in connection with this case or not, but they are exactly the same status.
Commission. Can't very well, unless it is in this case, at least we are so instructed.
Q What is the real name of your oldest boy? A His real name is Joseph Alfred. I give it to you Jack.

Witness excused.

Nancy Burris, having been first duly sworn by Acting Chairman Tams Bixby, testifies as follows on behalf of the applicant:

Examined by A. Telle.

- Q What is your full name? A Burris.
Q Your full name? A Nancy Burris. remember
Q How old are you? A Well, I don't ~~remember~~ ~~know~~ my age but I guess I am about seventy years old.
Q I will ask you if you know Mrs. Lorena Dyer? A Yes sir.
Q Do you know her mother? A Yes sir.
Q Who is her mother? A Mrs. Kinghorn.
Q Did you know Mrs. Dyer's father? A Yes sir.
Q What was his name? A Daniel Graves.
Q What is the nationality of Mrs. Kinghorn? the mother of Mrs. Dyer? A She is a Cherokee.
Q And what is the nationality of her father, Daniel Graves, what was he? A He was a Choctaw, full blooded Choctaw.
Q Do you remember about what time Mrs. Kinghorn came to this country? A No sir, I don't. I don't remember.
Q About how many years ago was it with reference to the war? A It has been about fifty years I reckon. I don't remember how long.
Q Do you remember when Mrs. Kinghorn was married to Daniel Graves? A Just as far as I can guess at it, it is sixty eight years ago.
Q Sixty eight? Sixty eight years or in '68? A Sixty eight years ago as far as I can remember.
Q Without reference to the time, you remember the circumstances that they were married? A Oh, yes I know about it.
Q Is there anything that you remember this by? A No sir. Well, she was going to marry from our house and the Judge didn't come and they went over to a man by the name of Felin Wally who was a Judge.
Q And they went over there to get married? A Yes sir, and then come back to my house.
Q You didn't see them married? A No, I didn't see them.
Q But they lived together as man and wife? A Yes they lived together right there where I live.
Q And were they commonly reputed to be married? A Yes sir.
Q And this Mrs. Lorena Dyer is a result of that marriage is she? A Yes sir.

Witness excused.

Lorena Dyer-3

Henry Byington, having been first duly sworn by Acting Chairman Tams Bixby, on his oath testifies as follows on behalf of the applicant.

Examined by A. Telle.

- Q What is your name? A Henry Byington.
Q Residence? A Caddo.
Q What is your age? A I will soon be fifty years old, next month.
Q Are you acquainted with Mrs. Kinghorn? A Yes sir.
Q Do you remember when she came to this country? A I don't remember the exact time but it was war time. She came to this country refugees from the Cherokees.
Q Has she lived in this country continuously ever since that time? A Mighty near continuously.
Q Do you know her daughter, Mrs. Lorena Dyer? A Yes sir, I know her.
Q She is a daughter of Mrs. Kinghorn is she? A Yes sir.
Q Do you know who her father was? A Her father was Daniel Graves.
Q He was Choctaw? A He was a Choctaw.
Q Do you remember about the time that Joe Dyer married Lorena Graves? A I don't remember exactly when but I think it was somewhere in year 88 or 89.
Q Do you remember any circumstances connected with his marriage with reference to his license? A His license was given him by the state ment of intermarried, and I investigated the matter and Perkins made a statement that he had issued the license but it had been lost or destroyed, Perkins was County Clerk at the time.
Q And you investigated and the clerk said that he had taken out a license but it had been destroyed and there was not record of it? A Never could find record of it.
Q You never saw the license your self? A No, ~~and I never saw~~ never saw it. I will make a little statement, I was present at the marriage. I went with the couple over to the County Judge

Cross Examination by Mr. Cornish.

- Q At whose marriage? A Daniel Graves and Lorena Kinghill, she was a Downing then.

Witness excused.

Joe Dyer, having been first duly sworn by Acting Chairman Tams Bixby, testifies on behalf of the applicant as follows:

Examined by Mr. Telle.

- Q What is your name? A Joe Dyer.
Q What is your age? A Thirty six.
Q Are you husband of Lorena Dyer? A Yes sir.
Q When were you married to her? A In '88.
Q Well, you have lived with her continuously since you married her? A Yes sir.
Q You married her in the Choctaw Nation, did you? A Yes sir.
Q I will ask you if you ever applied for Cherokee citizenship for your wife and children? A No sir I never did.
Q Did you ever apply before the Dawes Commission? A Yes, excuse me, I never applied to the Cherokees I did to the Dawes Commission last summer, I wrote to the Dawes Commission at Muskogee, and to know what ~~tax~~ had been done in our case and it was at the suggestion of the Commission that I appeared before the Commission at work in the Cherokee Nation, with your name signed to it, I started to take my wife up there, and one of the children took sick and I went down myself.

Commission: Did you appear before them? A I appeared before them at

Lorena Dyer- 4

Fort Gibson.

Q What did they say? A They examined the rolls and found my wife's and two oldest children on the strip roll, that is what all they they could find, and they would not enroll them. The Cherokee Commissioners claimed that we had no right to citizenship there, that they were not governed by that roll.

Q Did they look to see if you were on the '80 roll? A Yes sir, looked on the '80 roll and the 96 roll.

Q And your wife and children appeared on the strip payment roll and upon none of the others? A No sir.

Q And on that information you left there? A They said I would just have to come back the the Choctaws.

Witness excused.

S. E. Lewis, having been first duly sworn, by Acting Chairman, Tams Bixby, testifies on behalf of the applicant, as follows:

Examined by A. Telle.

Q Well, what is your name? A S. E. Lewis.

Q What is your age? A Fifty nine years old.

Q You are one of the Choctaw Commissioners are you? A Yes sir.

Q I simply want to ask you with reference to what you know about the citizenship of Lorena Dyer and her children as Cherokees? A It has been some three years or four ago that Mr. Dyer came to me and got me to write up there-- he give me the name of a man who had charge of the Cherokee ~~Commission~~ roll at that time, and inquired of him whether his family were on that roll, I don't know what particular roll I asked him about, I think it was the '80 roll, and the man wrote back to me that it was considerable trouble to go over that number of names and if I would send some money he would go over them, and Mr. Dyer furnished me the money and I sent it to him and he furnished me a certificate that they were not on the roll and I gave it to Mr. Dyer; that has been about three years ago. That is all I know about it. He had moved into that neighborhood and there was some question about it.

Witness excused.

Anna Bell, having been first duly sworn, onher oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full the proceedings in the above entitled causeon the 11th day of December, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell

Subscribed and sworn to before me this 11th day of December, 1900.

[Signature]
Acting Chairman.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 14, 1902.

.....
:: In the matter of the application of ::
:: Lorena Dyer for the enrollment of her- ::
:: self and her six minor children, Joseph ::
:: A. Dyer, Mary Dyer, Jessie Dyer, James R. :: D-266.
:: Dyer, Fannie Dyer and Mamie Dyer as citizens ::
:: by blood of the Choctaw Nation. ::
.....

On the 28th day of February, 1902, the principal applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Lorena Dyer for the enrollment of herself and her minor children as citizens of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 7th day of April, 1902, for final consideration, and the said cause was, upon motion of the applicant, continued until the 14th day of April, 1902, without objection.

Now on this 14th day of April, 1902, this cause coming on to be heard pursuant to said continuance, the following proceedings were had.

APPEARANCES:

Lorena Dyer, the applicant	:	No appearance on behalf
in person.	:	of the Choctaw and Chickasaw
	:	Nations.
A. Telle, attorney for the	:	
applicant.	:	

(2).

Lorena Dyer, being first duly sworn, upon her oath testifies as follows:

Examination by the Commission.

- Q What is your name, Mrs. Dyer? A Lorena Dyer.
Q What is your present post office address? A Russellville. It was Enterprise but they changed it to Russellville.
Q Choctaw Nation? A Yes sir.
Q How old are you? A I am thirty-three years old.
Q What is your husband's name? A Joe Dyer.
Q What was your maiden name? A Lorena Graves.
Q Lorena Graves? A Yes sir.
Q What was your father's name? A Daniel Graves.
Q Is he living or dead? A He's dead.
Q How long has he been dead? A He's been dead ever since I was eight months old.
Q Was he a white man or a Choctaw? A He was a Choctaw.
Q Was he recognized as a Choctaw citizen by the authorities? A Yes sir.
Q I mean by authorities, the National Council and the Governor? A Yes sir.
Q What is your mother's name? A Jennie Helterbrand.
Q Jennie Helterbrand? A Yes sir.
Q Is she living or dead? A She's living. That was her maiden name.
Q Before she married your father Graves? A Yes sir.
Q What is her name now? A She's a Kinghorn now.
Q She's been married since your father died? A Yes sir, she's been married twice; once before this time.
Q That is, twice since your father dies? A Yes sir, she married once before.
Q Where does she live? A She lives down in Red River County in the Choctaw Nation.
Q In the Choctaw Nation? A Yes sir.
Q What Nation does she belong to? A Cherokee.
Q Cherokee? A Yes sir.
Q Do you know whether or not she is on the Cherokee Roll? A No sir she is not.
Q She is not? A No sir.
Q Has she ever been on any of their rolls? A No sir.
Q You appeared before the Commission in December, 1900, at Atoka and testified did you not? A Yes sir.
Q And afterwards you again appeared before the Commission at Muskogee in February, 1901? A Yes sir.
Q You have no different statement to make at this time to what was contained in these two statements? A No sir.

(3).

Examination by Attorney.

- Q Now Mrs. Dyer, in February, 1901, I believe it was, you appeared here and made a statement here and asked the Commission to be allowed to elect as to which tribe you would be enrolled in? A Yes sir.
- Q At that time you elected to be a Choctaw? A Yes sir.
- Q You are the identical person that made that election at that time? A Yes sir.
- Q And do you at this time appear for the purpose of asking the privilege of electing as to which tribe you shall be enrolled with--- that is, do you elect to be a Choctaw? A Yes sir.
- Q And in the event you are enrolled as a Choctaw you release all rights and privileges that you may be entitled to in the Cherokee Nation? A Yes sir.

By the Commission:

This case will be considered by the Commission upon the testimony and record as now made up.

By Attorney.

Reference is made to the Leased District Payment Roll, of Blue County, in 1893, on page 31, Numbers 331, 332 and 333 respectively where appear the names of Lorena Dyer, Joe Dyer and Mary Dyer, her children, with request that the same be considered in connection with her case.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 14, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 16 day of April, 1902.

Hal Belford
Clarence Mitchell

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 14, 1902.

.....
:: In the matter of the application ::
:: of Joseph E. Dyer for enrollment as :: D-522.
:: a citizen by intermarriage of the ::
:: Choctaw Nation. ::
.....

On the 4th day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw nations were also notified by registered mail that the application of Joseph E. Dyer for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 14th day of April, 1902, for final consideration.

Now on this 14th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear, and the applicant, Joseph E. Dyer appearing in person and by his attorney, A. Telle, the following proceedings were had.

Joseph E. Dyer being first duly sworn, upon his oath testifies as follows.

Examination by the Commission.

Q What is your name? A Joe Dyer. J. E.
Q How old are you Mr. Dyer? A I'll be thirty-seven years old in October; October 6-----thirty-eight. Thirty seven last October.
Q What was your father's name? A James L. Dyer.
Q Is he living? A No sir.
Q Is he a non-citizen? A Yes sir.
Q What is your mother's name? A Susanna F. Dyer.
Q Is she living? A Yes sir.
Q Is she a non citizen? A Yes sir.
Q What is your post office address? A Russellville is my present post office address; it's been Enterprise for several years.
Q Do you claim as an intermarried citizen? A Yes sir.
Q What is your wife's name? A Lorena Dyer.
Q You and her are living together as man and wife now? A Yes sir.

(2).

- Q When were you married to her? A January, 1888.
Q Under what law were you married to her? A Choctaw law.
Q January, 1888---what was the name of her father? A Daniel Graves
Q Is he a Choctaw or non-citizen? A He was a Choctaw.
Q What was her mother's name? A Her mother's name was Jennie Graves.
Q Was she a Choctaw or a white woman? A She was a Cherokee.
Q Her mother is still living is she? A Yes sir.
Q Father's dead? A Yes sir, he's been dead ever since she was a small child.

By Attorney Telle.

Now with reference to the marriage license and certificate, the record heretofore taken shows that search has been made for it and that they failed to produce the record, and the testimony of Henry Byington and others was taken to show that the license was gotten out and was lost in the transmission for record, and that testimony is in the record in case No. 256, where the wife of this applicant, Lorena Dyer, has made application for the enrollment of herself and children; request is made that the testimony taken in that case be considered as testimony in this case so far as the same is applicable herein. In addition to that the certificate of W. J. B. Lloyd has been produced showing that "I, W. J. B. Lloyd, a Preacher living in the County of Blue, Choctaw Nation, Indian Territory, to hereby certify that I did on the 18th day of January, 1888, perform the marriage ceremony between J. E. Dyer and Rena Graves a Choctaw woman, under a proper license issued by the Choctaw authorities" signed W. J. B. Lloyd, Minister of the Gospel. Now, in addition to it he says: "I have no record before me but believe the records are correct" W. J. B. Lloyd, Minister of the Gospel. Now since that time he has referred to his record and he finds that he was mistaken as to the date of performing the ceremony; that it was on January 27, 1888, a difference of only a few days.

I would like leave to file that, and then in addition to that I asked him to be heard and I would like to file his letter of April 9, 1902, showing that he could not be here on account of having been exposed to Smallpox, and being afraid he might take it while away.

By the Commission.

Applicant asks ten days time in which to procure the certificate of the County Clerk of Blue County stating that the marriage record between the applicant and his wife cannot be located which is granted.

(3).

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 14, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 16 day of April, 1902.

Carroll Schellwood

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
South McAlester, I. T., December 23rd, 1902.

Choctaw D-522
Intermarried

-----oOo-----

In the matter of the application of Joseph E. Dyer for enrollment as an intermarried citizen of the Choctaw Nation.

Joseph E. Dyer being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Joseph E. Dyer.
Q How old are you? A Thirty-seven.
Q What is your post office address? A Russellville, Indian Territory.
Q How long have you resided in the Choctaw Nation? A Been here ever since '86.
Q Lived here continuously since 1886? A Yes sir; out of the Choctaw Nation about two years.
Q When was that? A Went out some time in '93 and came back in '96; little over two years out.
Q You are a white man? A Yes sir.
Q An applicant for enrollment as an intermarried citizen of the Choctaw Nation? A Yes sir.
Q What is the name of your Choctaw wife? A Lorena Dyer. Graves was her former name.
Q Is she a recognized and enrolled citizen by blood of the Choctaw Nation? A Yes sir.
Q Recognized as such by the tribal authorities? A Always has been, yes sir.
Q When was you married to her? A '98 I think, or '99; Oh, no, '88 or '89.
Q Was you ever married prior to your marriage to this woman? A No sir.
Q Was she ever married prior to her marriage to you? A No sir.
Q Where were you married to her? A Blue county.
Q She was living in the Choctaw Nation at that time? A Yes sir.
Q Has she always lived in the Choctaw Nation? A Always lived in the Choctaw Nation, up to that time. We went to the Creek Nation and lived there two or three years.
Q Were you married under a Choctaw tribal license? A Yes sir.
Q How much did you pay for that license? A Twenty-five dollars.
Q Who married you? A Parson Lloyd.
Q Have you since your marriage to Lorena Graves lived with her continuously? A Yes sir.
Q Ever been any separation, desertion or divorce? A No sir.
Q Are you and this woman now living together as husband and wife, actual bona fide residents of the Choctaw Nation? A Yes sir.

Joseph E. Dyer-----2

Albert G. McMillan being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 23rd day of December, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 9th day of January, 1903.

Charles H. Sawyer

Notary Public.

J.W.L.
J.R.A.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lorena Dyer, et al.,
for enrollment as citizens of the Choctaw Nation, consolidating the
applications of:

Lorena Dyer, et al., 7-D-266
Joseph E. Dyer 7-D-522

- D E C I S I O N -

It appears from the census card records of the Commission that Lorena Dyer appeared before the Commission at its session held at Red Oak, Indian Territory, on June 22, 1899, and made personal application for the enrollment of herself and her minor children, Joseph A., Mary, Jessie and James R. Dyer, as citizens by blood of the Choctaw Nation. Further proceedings were had in the matter of said application at McAlester, Indian Territory, on November 14, 1899, at Atoka, Indian Territory, December 11, 1900, and at Muskogee, Indian Territory, April 14, 1902. It appearing that James R. Dyer was born subsequent to the preparation of the last tribal roll of the Choctaw Nation, satisfactory proof of his birth was made to the Commission June 30, 1899. On October 18, 1899, written application was made for the enrollment of Fannie and Mamie Dyer as citizens by blood of the Choctaw Nation, satisfactory proof of their birth being furnished the Commission. On July 25, 1902, written application was made to the Commission for the enrollment of Susana Dyer as a citizen by blood of the Choctaw Nation, satisfactory proof of her birth being furnished at that time.

It also appears that on November 14, 1899, application was made for the enrollment of Joseph E. Dyer as a citizen by intermarriage of the Choctaw Nation. Further proceedings were had in this application at South McAlester, Indian Territory, December 23, 1902.

It is shown by the evidence submitted and the records in the possession of the Commission, that Lorena Dyer is a recognized and enrolled citizen by blood of the Choctaw Nation; that she is married to Joseph E. Dyer, a white man, and that the minor applicants herein are the offspring of said union; that Lorena Dyer and her minor children are residents of the Choctaw Nation, Indian Territory; that Lorena Dyer, Joseph A. (written "Joe") Dyer and Mary Dyer are identified on the 1893 leased district payroll of the Choctaw Nation, Blue County, page 31, Nos. 331, 332 and 333, respectively; that Lorena Dyer, Joseph A. (written "Joe") Dyer, Mary Dyer and Jessie Dyer are identified upon the 1896 Choctaw census roll, Blue County, Nos. 3508, 3509, 3510 and 3511, respectively; that the minor children, James R. Dyer, Fannie Dyer, Mamie Dyer and Susana Dyer, were born subsequent to the preparation of the last tribal roll of the Choctaw Nation and they are identified by the proper affidavits, which are

Lorena Dyer, et al.-2

attached to and made a part of the record in this case.

It also appears from the evidence in this case that Joseph E. Dyer claims the right to enrollment as an intermarried citizen of the Choctaw Nation by reason of his marriage to Lorena Dyer (nee Graves), the principal applicant herein; that said persons were married on January 27, 1888, in accordance with the laws, customs and usages of the Choctaw Nation and that they have lived together as husband and wife continuously from that date up to and including September 25, 1902.

It further appears that Lorena Dyer appeared before the Commission at Muskogee, Indian Territory, on February 12, 1901, and made application for the enrollment of herself and her six minor children, Joseph Dyer, Mary Dyer, Jessie Dyer, Robert Dyer, Fannie Dyer and Mamie Dyer, as citizens by blood of the Cherokee Nation; that at the hearing on said date the said Lorena Dyer and her six minor children, Joseph Dyer, Mary Dyer, Jessie Dyer, Robert Dyer, Fannie Dyer and Mamie Dyer, were not identified upon any of the tribal rolls of the Cherokee Nation and were, for that reason, denied enrollment as citizens by blood of the Cherokee Nation, but were listed on Cherokee rejected card No. 537.

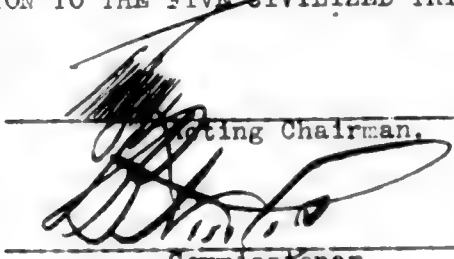
It also appears that the applicant Lorena Dyer, in her testimony before the Commission on April 14, 1902, elected to be enrolled and have allotment of lands and distribution of moneys in the Choctaw Nation.

It further appears from the evidence that all of the applicants herein were residents in good faith of Indian Territory on June 28, 1898.

It is therefore the opinion of this Commission that Lorena Dyer, Joseph A. Dyer, Mary Dyer, Jessie Dyer, James R. Dyer, Fannie Dyer, Mamie Dyer and Susana Dyer should be enrolled as citizens by blood of the Choctaw Nation in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

It is the further opinion of this Commission that Joseph E. Dyer should be enrolled as a citizen by intermarriage of the Choctaw Nation in accordance with the provisions of said section twenty-one of the Act of Congress approved June 28, 1898, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

FEB 25 1903.

COPY.

Choctaw D. 266

Muskogee, Indian Territory, February 25, 1903.

Lorena Dyer,

Enterprise, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission, rendered February 25, 1903, granting the application of Lorena Dyer and her minor children, Joseph A. Dyer, Mary Dyer, Jessie Dyer, James R. Dyer, Fannie Dyer, Mamie Dyer and Susana Dyer as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time, no protest has been filed, the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED) *James Bixby.*

Registered.

Chairman.

Enc. I.B.S. 35.

COPY.

Chectaw D-522

Muskogee, Indian Territory, February 25, 1903.

Joseph E. Dyer,

Enterprise, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission, rendered February 25, 1903, granting the application made by you for enrollment as a citizen of the Chectaw Nation.

The attorneys for the Chectaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Chectaw Nation. If at the expiration of that time, no protest has been filed the name of the applicant will be placed upon the final rolls of the citizens of the Chectaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

JAMES BIXBY.
Chairman.

Registered.

Enc. I.B.S. 36a.

COPY.

Choctaw D-266
Choctaw D-522

Muskogee, Indian Territory, February 25, 1903.

A. Telle,
Attorney-at-Law,
Atoka, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission rendered February 25, 1903, granting the applications of Lorena Dyer, her minor children, Joseph A. Dyer, Mary Dyer, Jessie Dyer, James R. Dyer, Fannie Dyer, Mamie Dyer and Susana Dyer, and her husband, Joseph E. Dyer as citizens of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time, no protest has been filed, the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED: *Tams Bixby.*

Registered.
Enc. I.B.S. 37.

Chairman.

COPY.

Choctaw D-266
Choctaw D-522.

Muskogee, Indian Territory, February 25, 1903.

Mansfield, McMurray & Cernish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission rendered February 25, 1903, granting the applications of Lorena Dyer, her minor children, Joseph A. Dyer, Mary Dyer, Jessie Dyer, James R. Dyer, Fannie Dyer, Mamie Dyer and Susana Dyer, and her husband, Joseph E. Dyer, as citizens of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time, no protest has been filed the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

GNEED. *Jams Dixby.*

Registered.

Chairman.

Enc. I.B.B. 36.

Cherokee R 537.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Lorena Dyer and her minor children, Joseph A., Mary E., Jessie,
James R., Fannie and Mamie Dyer, as citizens by blood of the Chero-
kee Nation.

DECISION.

The record in this case shows that on August 27, 1900,
Joseph E. Dyer appeared before the Commission at Fort Gibson, Indian
Territory, and made application for the enrollment of his wife,
Lorena Dyer, and her minor children, Joseph A., Mary E., Jessie,
James R., Fannie and Mamie Dyer, as citizens by blood of the Chero-
kee Nation. Further proceedings in the matter of said application
were had at Muskogee, Indian Territory, February 12, 1901. Copies
of the testimony taken at various times in the matter of the appli-
cation for the enrollment of said Lorena Dyer, et al. as citizens of
the Cherokee Nation are made a part of the record herein.

The records of this Commission show that the names of all
the applicants herein appear upon a partial roll of Cherokee citizens
by blood, approved by the Secretary of the Interior, on May 20, 1902,
at numbers 14667 to 14673.

Section twenty-eight of the Act of Congress, approved
July 1, 1902 (32 Stat., 716), provides as follows:

"No person whose name appears upon the roll made by
the Bureau Commission as a citizen or freedman of any other
tribe shall be enrolled as a citizen of the Cherokee Nation."

It is, therefore, the opinion of this Commission that the application for the enrollment of Leland Dyer, Joseph A. Dyer, Mary B. Dyer, Jennie Dyer, James E. Dyer, Emma Dyer and Minnie Dyer as citizens by blood of the Cherokee Nation should be denied, under the provisions of law above quoted, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tame Bixby.

Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

(SIGNED)

W. E. Stanley.

Commissioner.

Muskogee, Indian Territory,

this OCT 9 1903

3m # 5642

IN RE

Application for Enrollment of
INFANT CHILD.

James R. Dye

As a citizen of the

Choctaw Nation.

Approved 1

Commissioner.

Card No D 266

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of James R. Dyer, born on the 1 day of July, 1897.
Name of father: Joseph E. Dyer, a citizen of the Choctaw Nation.
Name of mother: Lorna Dyer, a citizen of the Choctaw Nation.
Post Office: Enterprise I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, Lorna Dyer, on oath, state that I am 28 years of age and a
citizen, by birth, of the Choctaw Nation; that I am the
lawful wife of Joseph E. Dyer who is a citizen, by adoption, of the
Choctaw Nation; that a male child was born to me on the 1st day
of July, 1897; that said child has been named James R. Dyer,
and is now living.

Subscribed and sworn to before me this 30th day of June, 1899.

J. J. Chamness
Notary Public.

AFFIDAVIT OF neighbor ATTENDING PHYSICIAN OR MIDWIFE

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, Ellen Harris, a neighbor, on oath, state that I
the was with Mrs. Lorna Dyer when
on the 1st day of July, 1897, that there was born to her on said date a male child;
that said child is now living and is said to have been named James R. Dyer.

Subscribed and sworn to before me this 30th day of June, 1899.

Ellen Harris
J. J. Chamness
Notary Public.

Choc 5647

20

IN RE

Application for Enrollment of

INFANT CHILD.

Fannie Dyer

As a citizen of the

Chocraw Nation.

Approved..... 1.....

Commissioner.

7 D266

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
 of Fannie Dyer, born on the 16 day of Sept, 1899
 Name of father: Joe E. Dyer, a citizen of the Choctaw Nation.
 Name of mother: Lorena Dyer, a citizen of the Choctaw Nation.
 Post Office: Centerville St.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,
Central District.

I, Lorena Dyer, on oath, state that I am 28 years of age and a
 citizen, by Blood, of the Choctaw Nation; that I am the
 lawful wife of Joe E. Dyer who is a citizen, by Marriage of the
Choctaw Nation; that a Female child was born to me on the 16 day
 of Sept, 1899; that said child has been named _____,
 and is now living.

Subscribed and sworn to before me this 18 day of October, 1899
Lorena Dyer.
J. J. Chambers
 Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,
Central District.

I, J. W. Clarkson, a Physician, on oath, state that I
 attended on Mrs. Lorena Dyer, wife of Joe E. Dyer
 on the 16 day of Sept, 1899; that there was born to her on said date a Female child;
 that said child is now living and is said to have been named Fannie.

Subscribed and sworn to before me this

18 day of October, 1899
J. W. Clarkson
J. J. Chambers
 Notary Public.

70266

20

IN RE

Application for Enrollment of
INFANT CHILD.

Mamie Ayer

As a citizen of the

Choctaw

Nation.

Approved

1

Commissioner.

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
 of Mamie Dyer, born on the 16 day of Sept., 1899
 Name of father: Joe E. Dyer, a citizen of the Choctaw Nation.
 Name of mother: Lorrena Dyer, a citizen of the Choctaw Nation.
 Post Office: Enterprise, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,
Central District.

I, Lorrena Dyer, on oath, state that I am 28 years of age and a
 citizen, by Blood, of the Choctaw Nation; that I am the
 lawful wife of Joe E. Dyer, who is a citizen, by Marriage, of the
Choctaw Nation; that a Female child was born to me on the 16th day
 of Sept., 1899; that said child has been named Mamie
 and is now living.

Subscribed and sworn to before me this 18 day of October, 1899

Lorrena Dyer.

J. F. Clarkson
 Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,
Central District.

I, J. F. Clarkson, a Physician, on oath, state that I
 attended on Mrs. Lorrena Dyer, wife of Joe E. Dyer
 on the 16 day of Sept., 1899; that there was born to her on said date a Female child;
 that said child is now living and is said to have been named Mamie.

Subscribed and sworn to before me this 18 day of October, 1899

J. F. Clarkson
J. F. Clarkson
 Notary Public.

CHOCTAW.

INDEXED

IN RE

Application for Enrollment of

INFANT CHILD

Susana Dyer

as a citizen of the

Choctaw

Nation.

Approved

1902

Commissioner

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUL 25 1902

ACTING CHAIRMAN.

CHOCTAW.

2766

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
 of Susana Dyer, born on the 30 day of June, 1902
 (Here insert name of child.)
 Name of Father: Joseph E. Dyer, a citizen of the Choctaw Nation.
 Name of Mother: Lorina Dyer, a citizen of the Choctaw Nation.
 Post-Office: Russellville

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

Central District.

I, Lorina Dyer, on oath state that I am 33
 years of age and a citizen, by Blood, of the Choctaw Nation;
 that I am the lawful wife of Joseph E. Dyer, who is a citizen, by
Marriage, of the Choctaw Nation, that a Female child was
 (Male or female.)
 born to me on the 30 day of June, 1902 that said child has been
 named Susana Dyer, and is now living.
Lorina Dyer

WITNESSES TO MARK:

(Must be Two)
(Witnesses.)

Subscribed and sworn to before me this

22nd day ofJuly1902Chas. M. Randall

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

Central District.

I, J. D. Clarkson, a Doctor, on oath state that I
 attended on Mrs. Lorina Dyer, wife of Joseph E. Dyer
 on the 30 day of June, 1902, that there was born to her on said
 date a Female child; that said child is now living and is said to have been
 (Male or female.)
 named Susana Dyer.
J. D. Clarkson

WITNESSES TO MARK

(Must be Two)
(Witnesses.)

Subscribed and sworn to before me this

22 day ofJuly1902Chas. M. Randall

Notary Public.

Bennington 25 Apr 1902
This certifies that Mr
J. E. Dyne and Miss Louisa
Graves were united in
marriage by the undersigned
at Armstrong Aed Jan
twenty seventh 1888

W. J. B. Lloyd
a minister of Gospel
My Record is on Book A
page 101

Indian Territory.

Central District.

I, W. J. B. Lloyd, a Missionary Preacher, living the County of Blue, Choctaw Nation, Indian Territory, do hereby certify that I did on the 18th day of January 1888 perform the marriage ceremony between J. L. Dyer and Rena Graves, a Choctaw Woman, under a proper license issued by the Choctaw Authorities.

Given under my hand and seal this the ---- day of September, 1899.

W. J. B. Lloyd

Minister of the Gospel.

*I have no record before me, but believe
the dates are correct -*

*W. J. B. Lloyd
Minister of the
Gospel*

WC

(Date) Nov 11

35

(Faint handwritten notes)

Muskogee, Indian Territory, August 15, 1900.

Mr. J. E. Dyer,

Enterprise, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of August 13th, in which you give information concerning the enrollment of your family, and state that your wife was placed on a doubtful Choctaw card for the reason that her father was a Choctaw and her mother a Cherokee. You state that your wife was raised in the Choctaw Nation and always drew money in the Choctaw payments. You say that as the Land Office will open at Atoka the first of September, you would like to be advised as to the status of your family.

In reply to your letter, you are advised that the opening of the Land Office at Atoka has been indefinitely postponed. You are further advised that the records of the Commission show that your wife and six children have been listed among the doubtful claimants to enrollment in the Choctaw Nation, and their right to be enrolled has not been finally passed upon by the Commission. It is suggested that you appear before the Commission at one of its appointments in the Cherokee Nation, and make full statement in regard to the Cherokee blood of your wife and children, and as to whether their names appear upon the Cherokee Rolls. A list of the appointments of the Commission in that Nation is inclosed you herewith.

Yours truly,

Acting Chairman.

C.L.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muscogee, Indian Territory,

August 18th, 1900.

Joseph E. Dyer,

Erin Springs, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Tamm Bixby
Acting Chairman.

7-D-522.

Muscogee, Indian Territory,

August 18th, 1900.

Lorena Ryer,

Enterprise, Indian Territory,

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment and the enrollment of Joseph A., Mary, Jessie, James R., Fannie, and Marie Ryer as citizens of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly

Acting Chairman.

7-D-266.

COMMISSIONERS.
HENRY L. DAWEL,
TAMM BERRY,
ALEXANDER S. MCKENNON,
THOMAS H. NEEDLES,
ALFRED I. AYERSON, Secretary

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 23, 1900.

Mr. Charles E. McPherron,
Attorney at Law,
Gadde, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of January 19, in which you request copy of the testimony in the matter of the application of Lorena Dyer for citizenship. As requested therein, you will find herewith, copy of such testimony. You are advised that the matter of the right of Lorena Dyer to be enrolled as a citizen of the Choctaw Nation has not yet been fully determined.

Yours truly,

Acting Chairman.

Inclosure- Testimony.

Choctaw
D-264

Muskogee, Indian Territory, February 5, 1900.

Mr. Charles H. McPherson,
Attorney at Law,

Okaloosa, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of January 27, acknowledging receipt of the testimony in the matter of the application for enrollment as an intermarried citizen of Joseph E. Dyer. You request that the testimony of Lorena Dyer, which you state was given before the Commission at Red Oak be returned to you. Joseph E. and Lorena Dyer appear as enrolled on the same card, and the Commission is unable to discover any additional testimony beside that of Joseph E. Dyer.

Yours truly,

Acting Chairman.

Choctaw D-266.

Muskogee, Indian Territory, February 28, 1902.

Lorena Dyer,

Enterprise, Indian Territory.

You are hereby notified that the application for ~~the~~ enrollment of yourself and your children, Joseph A. Dyer, Mary Dyer, Jessie Dyer, James R. Dyer, Fannie Dyer and Mamie Dyer as citizens of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory on the 7th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the Representatives of the Choctaw Nation will also, at the same time, be permitted to introduce testimony affecting your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

T. B. Needles,

Commissioner in Charge.

Register.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw D-522.

Muskogee, Indian Territory.

March 4, 1902.

Joseph E. Dyer,

Enterprise, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the 14th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

Register.

Commissioner in Charge.

Chester B. ...

Monteagle, Indian Territory, April 2, 1902

Wheeler, Murray & Carls

Attorneys for the Cheatey and McIntosh Nations,

South McAlester, Indian Territory.

Sir:

Under the application of the attorneys representing
Lorena Dear, et al., Indian Case D-222, said case has been
continued until April 15, 1902, upon which date the case will
be heard with the case of her husband, George A. Dear, Indian
Case D-223.

Very respectfully,

Commissioner in Charge.

Bennington 27 Apr 9 1902
Mr A Tell

Dear sir
I send the certificate
of J E Dye just as it is
on my Record I do not
remember particularly
about the License, but
I know I saw it - or then
would have a marriage
I never have said the
ceremony for a white
Man and Choctaw woman
without a License except
in one case a second Mar-
riage, he having secured
License for the 1st

I would meet you at
Musk - but I have been
exposed to Small Pox
might take it - while
gone.

yours truly
W. J. B. Lloyd

7-3-246

Muskogee, Indian Territory, July 25, 1908.

Joseph E. Byer,

Russellville, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Emma Byer, infant daughter of Joseph E. and Larena Byer, born June 20, 1908, and the same being in proper form has been accepted and filed as evidence of the birth of this child.

Yours truly,

Commissioner in Charge.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw D. 266

Muskogee, Indian Territory, February 25, 1903.

Lorena Dyer,
Enterprise, Indian Territory.
Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission, rendered February 25, 1903, granting the application of Lorena Dyer and her minor children, Joseph A. Dyer, Mary Dyer, Jessie Dyer, James R. Dyer, Fannie Dyer, Mamie Dyer and Susana Dyer as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time, no protest has been filed, the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,



Chairman.

Registered.

Enc. I.B.S. 35.

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYERSWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

40-013.
Choctaw D-522

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 25, 1903.

Joseph E. Dyer,
Enterprise, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission, rendered February 25, 1903, granting the application made by you for enrollment as a citizen of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed the name of the applicant will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,



Chairman.

Registered.

Enc. I.B.S. 361.

COPY.

Choctaw D-266

Muskogee, Indian Territory, February 26, 1903.

Cherokee Enrollment Division,

Commission to the Five Civilized Tribes,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission rendered February 25, 1903, granting the application for the enrollment of Lorena Dyer and her minor children, Joseph A. Dyer, Mary Dyer, Jessie Dyer, James R. Dyer, Fannie Dyer, Mamie Dyer and Susana Dyer as citizens by blood, and of Joseph E. Dyer as a citizen by intermarriage, of the Choctaw Nation.

It appears from the records of this office that these persons were applicants for enrollment as citizens of the Cherokee Nation.

Respectfully,

(SIGNED)

James Bixby.

Chairman.

Enc. IBS. 72 L-

Choctaw 5642.

Muskogee, Indian Territory, August 10, 1903.

Cherokee Enrollment Division,

Commission to the Five Civilized Tribes,

Gentlemen:

You are hereby advised that on February 25, 1903, the Commission rendered a decision enrolling Lorena A., Joseph A., Mary, Jessie, James R., Fannie, Mamie and Susana Dyer as citizens by blood of the Choctaw Nation and Joseph E. Dyer as a citizen by intermarriage of the Choctaw Nation. No protest having been made by the representative of the Choctaw Nation to the action of the Commission in enrolling these persons their names were placed upon a schedule of the citizens of the Choctaw Nation transmitted to the Secretary of the Interior for his approval, and on May 20, 1903, the enrollment of the citizens by blood and on June 13, 1903, the enrollment of Joseph E. Dyer as an intermarried citizen of the Choctaw Nation was approved by the Secretary of the Interior.

The records in this case further show that on February 12, 1901, Lorena Dyer, at Muskogee, Indian Territory, applied to the Commission for the enrollment of herself and her six minor children as citizens by blood of the Cherokee Nation and were by your division listed on Cherokee Rejected card Number 537. This information is

Cherokee Enrollment Division.

transmitted for such action as your division may deem requisite and necessary.

Respectfully,

Commissioner in Charge.

1-2245

1

COMMISSIONERS
JAMES BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

7/29

REFER IN REPLY TO THE FOLLOWING

Chester #666
Cherokee B-537.

Washoe, Indian Territory, October 10, 1903.

Chester-Chickasaw Enrollment Division,
General Office.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 9, 1903, rejecting the application of Lerena Dyer for the enrollment of herself and her six minor children, Joseph A., Mary B., Jessie, James R., Fannie and Mamie Dyer, as citizens by blood of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. D-63.


Chairman.

Choc 5643

Edmund Wilson

Transferred from Choc

D# 141

5643

D 14N

41

Commission to the Five Civilized Tribes,
Alikehi, Indian Territory.

In the matter of the enrollment of Edmond Wilson as a
citizen by blood of the Choctaw Nation; Carlo Wilson, being
sworn and examined by Commissioner McKennon, testifies as follows:

Q What is your name? A Carlo Wilson.

Q Age? A Thirty-eight.

Q Do you know Raymond Wilson? A Yes sir.

Q Did you know his first wife, Martha Wilson? A Yes sir.

Q She was a Spaniard? A Yes sir.

Q And he a Choctaw citizen? A Yes sir.

Q Was he a full-blood? A Yes sir, he was my brother.

Q Full brother? A Yes sir.

Q Were you present when Raymond and Martha were married?

A No sir, I wasn't present.

Q How long after they were married when they were reputed to
have been married, did you first see them?

A They went back home where the woman lived.

Q Did you know her before the marriage? A Yes sir.

Q Did they then live together as husband and wife? A Yes sir.

Q Was it understood by you and other members of the family
that they were married? A Yes sir.

Q Was it understood by the neighbors generally that they were
married? A Yes sir.

Q Then while you were not present and saw them, you understood
that they were married, and you know that they lived together
as husband and wife? A Yes sir.

Q How long? A Well they had been together about two years.

(Edmond Wilson, Carlo Wilson, witness, #2)

or more, I don't think it was hardly three years, and they separated.

Q And haven't lived together since? A No sir, got divorced.

Q Do you know Edmond Wilson? A Yes sir.

Is he the son of Raymond and Martha? A Yes sir.

Q Was he born while your brother Raymond and Martha were living together?

A This boy was born just a little after they were separated; they were separated when he was born.

Q You know how long after? A I forget.

Q Was it within such a time as would make it quite certain that Raymond was his father? A Yes sir.

Q You are a full-blood Choctaw and citizen? A Yes sir.

Q Born and raised in the Choctaw Nation? A Yes sir.

Q Who was present at the marriage? A Martha and brother was present.

Q Where is he now? A He was here and went home.

Q (To Edmond) Could you get him to come here or to go to Goodland? A I don't think I could, he is not situated so that he could.)

Q You know whether a divorce was granted by the Court?

A Yes sir.

Q Who got the divorce? A The woman got the divorce.

Q From your brother Raymond? A Yes sir.

Q Granted to her by the Choctaw Court was it? A Yes sir.

Q Do you know that Edmond Wilson has been regarded as a Choctaw citizen all the while? A Yes sir.

Department of the Interior,
Commission to the Five Civilized Tribes

Subscribed and sworn to before me on official oath as
above, and the contents of the foregoing are true and correct.
This is a true and correct translation of
the foregoing.

M. D. Green

Department of the Interior.
Commission to the Five Civilized Tribes.

In the matter of the application of
Edmund Wilson for enrollment as a
citizen by blood of the Choctaw Na-
tion.

----D 141----

On the 26th day of February, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of Edmund Wilson for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 4th day of April, 1902, for final consideration.

Now, on the 4th day of April, 1902, this cause coming on to be heard pursuant to said notice, the applicant, being called, failed to appear either in person or by attorney, and the Choctaw Nation failed to appear.

Harry C. Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 4th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C. Risteen

Subscribed and sworn to before me this 5th day of April
1902.

Chas. Mitchell Wood

Notary Public.

7-B-141. ✓

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

DEC 15 1902



ACTING CHAIRMAN.

To The Hon. Clerk

N. Co. C. N.

This is to certify that Raymond Wilson
Nashota County Choctaw Nation
and Martha Bane of Nashota County
Choctaw Nation, were joined together
by me in the Bond of Holy Matrimony
at Residence of Rev. E. G. Brewer in
Nashota County C. N. on the 15th day of
March A.D. 1882.

E. G. Brewer.

Minister of the Presbyterian
Church

I do hereby certify that I have
received this certificate and Holy
Bond of Matrimony and recorded
in this 15th day of March 1882.

Seal S. A. Williams Clerk

N. Co. C. N.

This is a true and correct copy
of the certificate recorded in my
office signed by my hand
and seal. This 14 day of Nov. 1902.

A. A. Carterby
Co. Clerk

N. Co. C. N.

7 D-141.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Edmund Wilson as a citizen by blood of the Choctaw Nation.

DECISION.

It appears from the census card and other records in this case that on May 2, 1899, application was made to the Commission at Alikok, Indian Territory, for the enrollment of Edmund Wilson as a citizen by blood of the Choctaw Nation.

It further appears from the evidence submitted that the said Edmund Wilson is the son of Raymond Wilson, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name is identified upon the 1893 Choctaw Leased District payment roll, Washita County, page 67, No. 775, and on the 1896 Choctaw census roll, page 348, No. 13240, and Martha Wilson (nee Barnes), his wife, a non-citizen; evidence of their marriage having been filed with the Commission December 15, 1902; that on examination of the tribal rolls of the Choctaw Nation in the possession of the Commission the name of the applicant herein is identified on the 1893 Leased District payment roll of the Choctaw Nation, Washita County, page 35, No. 415, as Elmer Wilson, and on the 1896 Choctaw census roll, No. 13225, as Edmund Wilson.

It further appears that the applicant, Edmund Wilson, was a resident in good faith of Indian Territory on June 28, 1898, all applicants listed upon the census cards during 1899 having been first examined as to such fact, although their testimony was not reduced to writing.

It is, therefore, the opinion of this Commission that the application for the enrollment of Edmund Wilson as a citizen by blood of the Choctaw Nation should be granted under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stat., 498), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Acting Chairman.

Commissioner.

Commissioner.

Mustang, Indian Territory,

FEB 25 1903

COPY.

Choctaw D-141

Muskogee, Indian Territory, February 25, 1903.

Edmund Wilson,
Hatfield, Arkansas.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission, rendered February 25, 1903, granting the application of Edmund Wilson for enrollment as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed the name of the applicant will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

James Bixby

Chairman.

Registered.

Enc. 125. 52

COPY

Choctaw D-141

Muskogee, Indian Territory, February 25, 1903.

Mansfield, McMurray & Gernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered February 25, 1903, granting the application of Edmund Wilson for enrollment as a citizen by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed, the name of the applicant will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

James Bixby.

Chairman.

Registered.

Enc. 125. 53.

(Copy)

Choctaw D-141.

Muskogee, Indian Territory, February 26, 1902.

Edmund Wilson,

Hatfield, Arkansas.

You are hereby notified that your application for enrollment as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 4th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes,

T. B. Needles,

Commissioner in Charge.

Register.

7-D-141.

Muskogee, Indian Territory, August 20, 1902.

Edmund Wilson,
Care Raymond Wilson,
Oetavia, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 12th instant, requesting information relative to the status of your application for enrollment as a citizen of the Choctaw Nation.

In reply you are advised that on May 2, 1899, application was made for the enrollment of Edmund Wilson as a citizen by blood of the Choctaw Nation. No final action has been taken by the Commission upon your said application, but it is probable that the same will be taken up for consideration at an early date, at which time you will be advised of the decision of the Commission, and of the forwarding of the record to the Secretary of the Interior for review.

In order to make the record in your case complete it will be necessary for you to present proper evidence to the Commission proving the marriage of your father, Raymond Wilson, to Martha Wilson, your mother. This evidence must consist of the marriage certificate of said parties, or the affidavits of two disinterested persons who were present at the ceremony or are acquainted with the facts in

E. W., 2.

the case. It is desirable that you attend to this matter at as early
a date as practicable.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, August 30, 1902.

E. M. Wilson,

Dwight, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 27th instant, requesting information relative to the status of your application for enrollment as a citizen of the Choctaw Nation.

In reply you are advised that on May 2, 1895, application was made to the Commission for the enrollment of Edmund Wilson, seventeen years of age, of Nashoba County, as a citizen by blood of the Choctaw Nation. No final action has been taken by the Commission upon said application, but it is probable that the same will be taken up for consideration at an early date, at which time the party interested will be advised of the decision of the Commission and of the forwarding of the record in the case to the Secretary of the Interior for review.

If you are the party referred to it will be necessary, in order to make your case complete, that you present proper evidence to the Commission proving the marriage of your father, Rayburn Wilson to Martha Wilson, your mother. This evidence must consist of the marriage certificate of said parties, or the affidavits of two dis-

H. K. V., R.

interested persons who were present at the ceremony, or are acquainted with the facts in the case. It is desirable that you attend to this matter as early as practicable.

Yours truly,

Acting Chairman,

Choctaw D 141

Muskogee, Indian Territory, September 25, 1902.

E. M. Wilson,

Dwight, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of September 22, relative to submitting evidence of the marriage of your father and mother, Raymond and Martha Wilson, in which you ask if it will be necessary for you to appear in person before the Commission for the purpose of presenting this evidence.

In reply to your letter you are advised that it will not be necessary for you to appear before the Commission in order to submit this evidence of marriage, unless you should desire to do so. You were fully advised as to the character of evidence required, in the Commission's letter to you of August 30, 1902.

Respectfully,

Acting Chairman.

Cheotaw-D-141

Muskogee, Indian Territory, January 13, 1904.

George W. McMillan,
McMillan, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 8, 1904, enclosing the affidavit of Jane Tussy, in the matter of the application of Mary Elizabeth Martin for enrollment as a citizen of the Chickasaw Nation. Receipt is also acknowledged of the affidavit of Peter Archard which was received without an accompanying letter, which appears to have been forwarded in support of the application of Mary Elizabeth Martin, for enrollment as a citizen of the Chickasaw Nation.

The affidavits above referred to have been filed with the record in this case and your attention is invited in this connection to our letter of January 12, 1904, in the matter of the introduction of additional testimony in support of the application of Mary Elizabeth Martin for enrollment as a citizen of the Chickasaw Nation.

Respectfully,

Chairman.

Choc 5644

Georgia Cannedy

Decision of Dawes Commission
enrolling applicants Feb 25, 1903

Protest of Choctaw nation filed
April 15, 1903.

Record forwarded Sec'y of Interior
Aug 6, 1903.

Decision of Commission of Feb 25,
1903 affirmed by the Sec'y
of Interior Dec 6, 1904.

Transferred from Choctaw
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C O P Y.

Choctaw B-181.

Muskogee, Indian Territory. February 27, 1902.

Georgia Cannedy,

McAlester, Indian Territory.

You are hereby notified that the application for enrollment of yourself and children, Charles Thompson, Bulah Thompson, Earl Cannedy, Roy Cannedy and Irma Cannedy as citizens of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 6th day of April, 1902.

On said date, you may if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Choctaw Nation will also at the same time be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes,

T.B. NEEDLES,

Commissioner in Charge.

Register.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 5, 1902.

Georgia Cannedy, et al.,
vs.
The Choctaw Nation.
D-181.

In the matter of the application of Georgia Cannedy for the enrollment of herself and her five minor children, Charles Thompson, Beulah Thompson, Earl Cannedy, Roy Cannedy and Irma Cannedy as citizens by blood of the Choctaw Nation.

On the 22nd day of February, 1902, the principal applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Georgia Cannedy for the enrollment of herself and her minor children as citizens of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 8th day of April, 1902, for final consideration.

Now on this 8th day of April, 1902, this cause coming on to be heard pursuant to said notice the Choctaw Nation appears by its attorneys, Mansfield, McMurtry & Cernish, and the applicants being called, failed to appear, and the case is submitted upon the evidence and record as now made up.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on the 8th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 11th day of April, 1902.

Henry P. [Signature]

Henry P. [Signature]

Choctaw.

Department of the Interior
Commission to the Five Civilized Tribes
South McAlester, Indian Territory,
December 24, 1902.

In the matter of the application of Georgia Cannedy for the enrollment of herself and her children, Charles Thompson, Beulah Thompson, Earl Cannedy, Roy Cannedy and Irma Cannedy.

William Ansley being first duly sworn testified as follows:

W. R. Brown Attorney for applicant.

Examination by the Commission:

- Q What is your name? A William Ansley.
Q How old are you? A Fifty.
Q What is your post office address? A McAlester.
Q Choctaw Nation, Indian Territory? A Yes, sir.
Q Are you a citizen of the Choctaw Nation? A Yes, sir, by blood.
Q Enrolled as such? A Yes, sir.
Q Have you held office under the Choctaw tribal government? A Yes, sir.
Q Please state what? A Commissioner here in 1896 making roll for the Dawes Commission.
Q Making census of the Choctaw Nation in 1896? A Yes, sir.
Q Were you chairman of that Commission? A Yes, sir.
Q Just state if Mrs. Cannedy made application for herself and her children to be enrolled at that time? A She did.
Q Did you enroll them? A Yes, sir.
Q I will ask you to state now Mr. Ansley is Mrs. Cannedy and her children had also been recognized as citizens of the Choctaw Nation? A Yes, sir.
Q They had been since you had known them? A Yes, sir.
Q You say they were enrolled in 1895? A Yes, sir.
Q Were their names ever stricken from that roll? A Not that I know of.

The names of these applicants do not appear upon the 1896 Choctaw census roll as citizen of the said Nation.

Chas. Diffendaffer being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. Diffendaffer

Subscribed and sworn to before me this 24th day of January 1903.

Charles H. Sawyer

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Georgia Canedy, et al.

versus

The Choctaw Nation.

Decision of the Commission on Motion of Attorneys
for Continuance in this Cause for the purpose
of Introducing Additional Testimony
in Behalf of the Choctaw Nation.

On May 26, 1903, at Atoka, Indian Territory, Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations filed a motion for a continuance in the above entitled cause until June 12, 1903, for the purpose of introducing the testimony of one P. J. McClure, alleging in the motion for continuance that due diligence had been exercised to procure the attendance of this witness at the hearing of this cause at Atoka, Indian Territory, on May 26, 1903, and that his testimony is material to the cause of the Choctaw Nation herein.

The applicant in chief, by her attorney, J. O. Pool, filed answer to the motion for a continuance in this cause, praying that the same be over ruled and that no further continuance be granted, alleging as reasons therefor that the Choctaw and Chickasaw Nations had had sufficient notice of the trial of this cause on May 26, 1903, at Atoka, Indian Territory.

That they did on that date introduce witnesses and the Choctaw and Chickasaw Nations have failed to show due diligence in the procurement of the personal appearance of P. J. McClure at Atoka Indian Territory on said date.

That no just cause was shown why such continuance should be granted, neither do the attorneys for the nations show what they expect to prove by said witness, and for the further reason that the continuance prayed for is for the purpose of delay and not that justice may be done.

After due consideration of the motion for a continuance and the answer of the applicant thereto the Commission is of the opinion that the same should be granted and a specific time and place fixed for the hearing of the testimony of P. J. McClure in this cause.

It is, therefore, hereby ordered and directed that the testimony of P. J. McClure in behalf of the Choctaw Nation, in the matter of the application of Georgia Cannedy, et al. for enrollment as citizens by blood of the Choctaw Nation, be heard at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday July 13, 1903, at nine o'clock A. M.

It is further ordered that the attorneys for the Choctaw and Chickasaw Nations, Georgia Cannedy, the principal applicant, herein, and J. O. Pool, her attorney of record, be furnished copies of this decision and advised of the hearing of the testimony of P. J. McClure as herein set forth.

C. A. Austin

Commissioner in Charge
Commissioner.

Muskogee, Indian Territory, July 3, 1903.

7-5644.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, Indian Territory, July 13, 1903.

In the matter of the application for the enrollment of Georgia Cannedy, Charles Thompson, Beulah Thompson, Earl Cannedy, Roy Cannedy and Irma Cannedy as citizens by blood of the Choctaw Nation.

Freeman J. McClure, being first duly sworn, testified as follows:

Examination by Gustav Rosenwinkel, representing Mansfield, McMurray & Cernish, Attorneys for the Choctaw and Chickasaw Nations.

- Q State your name, age and residence. A My name is Freeman J. McClure. F-r-e-e-m-a-n .
- Q Your age and your residence? A Age thirty-five, and I reside at Lukfata, Indian Territory.
- Q Are you a citizen by blood of the Choctaw Nation? A Yes sir.
- Q Where were you living in 1893? A I was living at McAlester.
- Q Were you enrolled for the payment of the Leased District Funds? A Yes sir.
- Q Do you remember who were the members of the Commission that enrolled the citizens of the Choctaw Nation? A Why, Teale was one, but I don't remember who the other's was. John O. Teale.
- Q Well, was Robert Turner one? A Possibly he was. I couldn't say. I don't remember who the other two were.
- Q Did you at that time know a party by the name of Georgia Cannedy? A Yes sir.
- Q Do you know whether or not she applied for the Leased District Payment? A Yes sir, I knew that she did.
- Q Did you make any statement before the leased District Commission in behalf of Georgia Cannedy? A No sir, none whatever.
- Q None whatever? A No sir.
- Q Were you present when she was enrolled? A I was.
- Q Was she enrolled without any question? A Without any questions at all.
- Q Isn't it a fact that you vouched for her? That the Commission called upon her to furnish someone that could identify her and you went forward and made a statement of somekind? A No sir, only they asked me was that Georgia Cannedy and did I know her to be Georgia Cannedy and I said "Yes sir", and that's all the question they asked me.
- Q How long had you known her before that? A I guess a couple of years.
- Q When was the last time you saw Georgia Cannedy? A It's been about five or six years ago.
- Q You were a member of some Commission in 1896, were you? A Yes sir, I was a member of the Commission that was enrolling the Choctaws.

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- Q State whether or not she was on the final roll in 1896? A I couldn't say whether she was on the final roll or not.
- Q Didn't you say to me just a few minutes ago that she was not on the final roll. That you rejected her? A Perhaps I did. I don't know though about the final roll.
- Q But that roll that you made, was that adopted or not? A I don't know whether it was or not.
- Q You know whether it was or not. You know what was done with that roll.

By J. O. Peel, Attorney for applicants:

If the Court please, I wish to object to such testimony. The roll is the best evidence.

By Mr. Rosenwinkel:

- Q You can answer the question. A Whether that roll was accepted or not?
- Q Yes sir. A Why, not as a whole, I don't think it was.
- Q It is a fact that another Commission was sent out and revised that roll or made a new one? A Yes sir, there was another Commission sent out and revised that roll, that's right.

Cross examination by J. O. Peel, Attorney for the applicants:

- Q You were present, then, in 1893, and you know of your own knowledge that this applicant, Georgia Cannedy was enrolled upon the Cheetaw rolls of 1893? A Yes sir, she was.
- Q And she and her children drew money upon that enrollment? A I was present when she drew the check.
- Q Then again in 1896 you were one of a Commission appointed for the purpose of making a Cheetaw roll by the Cheetaw Council, were you not? A I was.
- Q And you, in company with those who were appointed to act with you, enrolled Georgia Cannedy and her children again, did you? A We did, yes sir.

Re-direct examination by Mr. Rosenwinkel:

- Q Upon what representation did you enroll her? A Because she was accepted by that '93 roll. That was the roll that we went by. We was instructed to accept that roll, and of course we had no grounds to refuse her, but there was some kick made by Dr. Bennett and R. B. Coleman, but we told them that we were instructed to copy as much as possible the roll of '93.

Georgia Cannedy, et al., 3.

- Q What do you know about her ancestors? A I don't know anything about the ancestors.
- Q Do you know who her parents were. What did Georgia Cannedy tell you with reference to who her parents were? A She said something about that she couldn't remember only the name, because they died when she was small ----four or five years old.
- Q She didn't remember the name of her parents? A Yes, she remembered the name of her parents, all right. She was small when they died and she didn't remember much about them, only she told me time and time again that she was a Cheetaw and her folks was Cheetaw.
- Q That's all you know about her being a Cheetaw? A I don't know. I could get up and swear that she was some kind of an Indian.

Re-cross examination by Mr. Peel:

- Q Her general appearance shows that she is an Indian? A Why yes, I have lived right among the fullblood Cheetaws all my life and knew their customs, and I knew she was something of an Indian.

Re-direct examination by Mr. Rosenwinkel:

- Q Will you state now, under oath, that you made no statement to the Leased District Commission, except that that was Georgia Cannedy? A Yes sir, I never made no other statement at all.

By the Commission:

- Q Have you any further testimony to offer?

By Mr. Rosenwinkel:

No sir.

By the Commission:

- Q Has the applicant any testimony to offer at this time?

By Mr. Peel:

No, sir, we have none.

The attorneys for the Nation ask that reasonable time be given in which to prepare and submit a brief for the consideration of the Department.

Georgia Cannedy, et al, 4.

By the Commission:

The representatives of the Cherokee Nation will be allowed fifteen days from this date to file such brief and argument as they may desire in this matter, and the attorney for the applicant will be allowed ten days from the date of the filing of the Nation's brief with him, for the filing of reply.

Hal Belford, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled case at Muskogee, Indian Territory on the 13th day of July, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said case, on the date named.

Hal Belford

1903.

Subscribed and sworn to before me this 13th day of July,

John L. Fieber
Notary Public.

next

Choctaw Card 5614.

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, Indian Territory,
May 26, 1903.

In the matter of the application for enrollment as citizens by blood of the Choctaw Nation of Georgia Cannedy, and her children, Charles and Beulah Thompson, and Karl, Ray and Irma Cannedy.

ADDITIONAL TESTIMONY/

In pursuance to notice heretofore furnished the attorneys for the Choctaw Nation, the principal applicant, and her attorneys of record, this cause was called for further hearing at the office of the Commission to the Five Civilized Tribes at Atoka, Indian Territory, on Tuesday, May 26, 1903, at 2 o'clock P. M.

APPEARANCES: Georgia Cannedy, the applicant in chief.

J. O. Pool, attorney for applicant.

G. Rosenwinkle, of the firm of Mansfield, McMurray & Gernish, attorneys for the Choctaw and Chickasaw Nations, representing the Choctaw Nation.

Tobias Edwards, being called as a witness on behalf of the Choctaw Nation, being duly sworn through Lewis G. Battiest, official interpreter of the Choctaw Land Office, testifies as follows:

Examination interpreted by Lewis G. Battiest, official interpreter.

By G. Rosenwinkle.

Q What is your name? A Tobias Edwards.

Q Ask him where he lived about a year before the war? A Neshoba County.

Q Ask him when he left Neshoba County? A About sixteen years ago.

Q Did you live in Neshoba County before the war until sixteen years ago? A He says he served as soldier in the war, and when he came home he soon afterwards moved away.

Q When were you born? A Alabama.

Q When were you born? A He says he dont know as to the date of his birth only what other people tell him; he said not long ago a white man told him he was born sometime in the seventh of March, 1811; Cole Nelson and Jones, they were younger than he is.

Q Do you know the applicant in this case, Georgia Cannedy?

A He says no sir.

Q Did you ever see Georgia Cannedy? A No sir never have seen

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Georgia Cannedy.

By the Commission: Did he understand that question; Georgia Cannedy, a woman, they are asking about? A He asked where she lived.

By Rosenwinkles:

- Q State whether or not you know Georgia A. Cannedy, the woman that is the plaintiff in this case? A He says he dont know her; he cant see very good anyhow.
- Q Did you testify before the Commission to the Five Civilized Tribes sometime during the year 1899, at Atoka, Indian Territory, that you knew Shi-ko-pa- Homma? A Yes sir, he says he was reminded of that now.
- Q What does he know about Shi-ko-pa Homma? A He says he knew him as he lived close together; he lived on one side of the creek and he lived on the other; and he was an elder of the church and held meetings together, and for that knew him very well.
- Q Ddid you know him very well; were you around his house? A Yes sir, if Shi-ko-pa Homma was here he would know him if he would look at him close.
- Q State the names of the children of Shi-ko-pa Homma? A He is forgetful, and couldn't do that.
- Q Ask him if he remembers how many children Shi-ko-pa Homma had? A He says he had a boy that was nearly grown that he used to see.
- Q When was that that you saw this boy that was nearly grown? A It was sometime after the war when he saw him.
- Q Do you know whether Shi-ko-pa Homma Had any other children besides this boy? A He says he had some children but he dont remember whether he had any more.
- Q Was this boy that was nearly grown the oldest boy of Shi-ko-pa Homma's children? A He supposes he was, but he dont know, for he never told him that he was the oldest boy, but he told him that the nearly grown boy was his son; that is all he knows about it.
- Q Whom was this nearly grown boy of Shi-ko-pa Homma's married to? A He says he married, but he dont know her name.
- Q Ask him if he ever knew a man named Augustus Wallace? A He says that it appears that he knew him, but he is not certain about it.
- Q State whether he was a white man, negro or Indian? A He supposes he was a Choctaw.
- Q Who was Augustus Wallace's wife? A He says if he knew the old people he would know, but as it is he dont know who she was.
- Q Ask him if he ever knew an orphan girl raised by Hoyopatubbe? A Yes sir.
- Q State what her name was? A He says he has forgotten the name; his people used to call her "White woman" all the time, he has forgotten the name.
- Q Who married this girl? A He heard that she married, but he dont know who she married; it seems to him like he was a white man she married.
- Q Did he ever see the husband of this girl? A He sir, he never seen her; he says he is so forgetful he may have forgotten.
- Q Did he ever see the child that was born to this girl and the white man she married? A He sir.
- Q Did they have any children? A He dont know whether they did

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or not.

Q Then if you testified before the Commission to the Five Civilized Tribes in 1899 that this girl was married to Captain Willis, and that you saw a child of that marriage which was about seven years of age a year or two before the war, that is a mistake is it, that is not true?

By J. O. Pool, attorney for applicant: I will object to that question on the ground that a man can not impeach the testimony of his own witness; never yet has a law been enacted where a man can impeach the testimony of his own witness.

By Rosenwinkle: We certainly have a right to question him along this line; the testimony is material; the record of the Commission is here, and it is a part of the record; at that time he was your witness.

By J. O. Pool: But he has changed from our witness to yours.

By the Commission: The objection is noted; ask the witness the question.

By Rosenwinkle:

Q Answer the question? A He says he did truly state that, but he forgot all about it; he is forgetful; he says he is so forgetful about anything.

Q If he is so forgetful about anything how is it that he remembers all about this? A He says he was not so forgetful at the time when he was before the Commission at that time, but since that he has had sickness and caused him to be so forgetful.

Q Where did Captain Willis die? A Bektuklo; it is a certain neighborhood between Little River and Cedar Creek, a community called Bektuklo.

Q Were you certain in 1899 what you were testifying about; did you know positively what you were testifying about? A Yes sir, he says his mind was clear at that time, and he knew those things were facts.

Q Where did Reuben Jackson live? A In Towson County; he used to live there, and he went off to school; there was another Reuben Jackson dies at Cedar.

Q Did Reuben Jackson live in Towson County when Captain Willis died? A He says he never did go to his house, but believed this Reuben Jackson was a private Secretary of the governor, and they used to stay close together a good deal of the time.

Q State where Reuben Jackson's place was at the time Captain Willis died? A He thinks Reuben Jackson was in school at that time when Willis died.

Q State whether or not it is a fact that Captain Willis' wife died in Texas? A Yes sir, that was the place he says.

By J. O. Pool:

Q What are your reasons for saying that was the place? A He says he heard when she died, but he was not there to see her, only just hearsay.

Q Then he knows nothing about as to where she died? He says he don't know anything about it for certain; he says Jim Harris told him where she died.

Q Was Captain Willis, or Wallace as he calls him, an Indian? A Yes sir.

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- Q Ask him if he knows whether he was a full blood or just part Indian, if so please state? A He was a full blood.
- Q How is your sight now, can you see pretty well? A No sir, his sight is falling; he says he has to be right close to the object.

Witness excused.

John O. Tool called as a witness on behalf of the Choctaw Nation, after being duly sworn testifies as follows:

By G. Rosenwinkle:

- Q State your name, age and residence? A John O. Tool; I live at Canadian, Indian Territory.
- Q You are of lawful age? A Yes sir.
- Q Are you a citizen of the Choctaw Nation either by blood or intermarriage? A I am a Choctaw citizen by blood.
- Q Have you ever held any official positions in the Choctaw Nation? A Yes.
- Q State what official positions you have held in the Choctaw Nation? A I was first County clerk of Tobuckay County for three or four years; I was national timber inspector; I was a member of the Council, the lower house of Council, and several other minor positions.
- Q Were you ever a member of any census committee or committee preparing any rolls for the distribution of money, or anything of that kind? A Yes sir, I was on one of the census commissions in 1893 for Tobuckay County.
- Q Was that in the preparation of the Leased District payment roll? A Yes sir.
- Q Do you remember whether or not at that time a party presented herself for enrollment by the name of Georgia Cannedy? A Yes sir, there was.
- Q State what you did with her; whether you enrolled her or rejected her? A We enrolled her, as well as I remember; I think we first rejected her, but we did finally enroll her under the representation of Freeman McClure.
- Q Did she produce any proof at that time in support of the claim that she was a Choctaw Indian by blood? A None only Mr. McClure's statement.
- Q Was McClure under oath at that time? A I presume he was, because it was customary with us to swear witnesses when we would have them testify, but I don't remember now.
- Q What statement did McClure make to you, if any, relative to this woman? A He represented to us that he knew this lady, and knew she was a Choctaw woman by blood.
- Q And was it upon that statement alone that you enrolled this lady? A As well as I remember it was.
- Q Did your commission have any law or jurisdiction to admit persons to Choctaw citizenship or were your duties confined merely to enrolling people who were already recognized citizens and made a showing to that effect?

By J. O. Pool: If the court please, the records of the Council will show the authority of the commission, and is the best testimony.

By G. Rosenwinkle: We intend to make them a part of the record also.

By J. O. Pool: I wish to state further that they only raised two points for the purpose of the opening of this case.

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Just preceding this, if you please, they were held to the point at issue, and in this case they raised the point-- they did not deny the blood, but that the blood was not thoroughly established, and that they have never been admitted by any Council of the Choctaw Nation, which has never been claimed by us, and is not a question at issue, because we ourselves have stated that they never was; and that has never been a question at issue before your Honor, according to the plea here.

By G. Rosenwinkle:

Q You may answer the question, Mr. Tool? A We had no authority only to register citizens who were recognized citizens of the Choctaw Nation.

Q What other members comprised that board that prepared the 1893 Leased District payment roll? A Robert F. Turner and Jackson Compellabe.

By J. O. Pool:

Q In registering it was your duty, was it not, and did you not when you found parents who were recognized citizens who had children that you registered their children? A If we registered the parents we did where we were satisfied they were legitimate children.

Q Then the testimony of McClure satisfied you as to this party did it not? A Why, I suppose it did, for upon the testimony given we registered her.

Q Had you not have been satisfied you would not have registered her, would you? A No sir.

By G. Rosenwinkle:

Q What information did you have about the parents of this woman when you enrolled her? A I don't remember just now what the evidence was.

Witness excused.

Robert F. Turner, called as a witness on behalf of Choctaw Nation, being duly sworn testifies as follows:

By G. Rosenwinkle:

Q State your name, age and residence? A Robert F. Turner, Canadian, Forty-seven.

Q Are you a citizen by blood of the Choctaw Nation? A Yes sir.

Q Were you a citizen and resident of the Choctaw Nation in 1893? A Yes sir.

Q Did you have anything to do with the making of the 1893 pay roll? A Yes sir.

Q Who was associated with you in the preparation of that roll? A John O. Tool and Jackson Compellabe.

Q Did a lady named Georgia Cannedy apply to you for enrollment at that time? A Yes sir.

Q Did you enroll her? A Yes sir.

Q Upon whose representation? A P. J. McClure's.

Q Did you have any other evidence in support of her claim at that time? A No sir.

Q State whether Mr. McClure was under oath at that time to testify in the case, or whether it was merely a statement stating that she was all right, or something to that effect? A Merely a statement.

Q She made no other proof at that time? A None whatever.

Q You were not authorized at that time to declare people citizens

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of the Nation or to pass upon their rights, were you? A That was not our duty at all.

Q You simply made a list of already recognized and enrolled citizens? A Yes sir.

By J. O. Pool:

Q The statement made by Mr. McClure was satisfactory to you, so much so that you enrolled her? A Yes sir, from the fact that we did not know the lady.

Q You took his statement? A Yes sir.

Q And you enrolled her? A Yes sir.

Q I will ask you, were these other parties there at the time? A Which other parties?

Q There were three in the Commission? A Yes sir; all three were present.

Q You placed her and her children upon the 1893 roll? A Yes sir.

Q Mrs. Cannedy was there, was she not? A Yes sir.

Q She is here now,-- this is the same lady sitting there? A I couldn't say whether it is or not.

Q You don't know whether this is the same lady or not? A No sir, I only know Mrs. Georgia Cannedy was there in person for enrollment; I remember how the question arose about the identity of the lady. Mr. Tool and I not being well acquainted, Mr. Compellabe raised an objection, stating that he could not place this Mrs. Cannedy, and we talked among ourselves, and Mr. McClure had not at that time been enrolled; we appealed to him for identification of the lady; he said he knew her, and knew she was a citizen; we thought enough of his veracity and enrolled her.

Q Mr. McClure was a man of honor? A Yes sir, that's the way we took it; he wasn't on the roll at the time himself; I think he came to register.

Q You did enroll him too? A Yes sir, we knew he was a citizen.

Q It was the custom when the commission was not well acquainted with a party or their parentage to have someone who was acquainted identify them? A Sure, that was the way it was.

Q You had this statement and the statement was satisfactory? A Yes sir.

Q And you placed her upon the rolls? A Yes sir.

By G. Rosenwinkle:

Q You never knew this party before she applied, did you? A No sir.

Q Is it not a fact that you and Mr. Tool were just recently from Mississippi? A Yes sir.

Q You had to apply to the Council and have them adjudicate your rights? A Yes sir.

By J. O. Pool:

Q You were just from Mississippi yourself? A Yes sir.

Q How long ago was that? A I came here in '70 I guess.

Q And it was a rule then when you came here that you must be identified by the Council? A Sure, yes sir.

Q Can you tell me whether it was the rule when the Indians were emigrating from the state of Mississippi about 1832, and '44 and '5; whether it was the rule then that they be identified by the Council, and if so who was the Council?

By G. Rosenwinkle: I do not believe that is a proper

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question--

By Commission: The question is thoroughly competent.

Witness: I dont know.

J. O. Pool:

Q The Council was formed out of those people who came from Mississippi, was it not? A Yes sir, sure.

By G. Rosenwinkle:

Q It was a fact, however, that that law was in force and people had to comply with it in 1880, '89 and '90, when this lady came from Texas? A Yes sir.

By J. O. Pool:

Q But was it in 1842,-- 42 years ago, when this lady was born? A That is too far back for me.

Witness excused.

Silas W. James called as a witness on behalf of Choctaw Nation, being first duly sworn testifies as follows:

Examination interpreted by Lewis G. Battiest, official Choctaw interpreter.

By G. Rosenwinkle:

Q What is your name, age and residence? A Silas W. James; he is now living in Scullyville County; he is about fifty six or fifty seven years of age.

Q Are you a citizen of the Choctaw Nation? A Yes sir.

Q Did you ever know a man named Augustus Wallace? A He used to live in Cedar County, but moved from there to Scullyville County.

Q Did he know in Cedar County a man named Augustus Wallace? A No sir, he did not know him.

Q Ask him if he knew Ben Lewis? A Yes sir.

Q Did you know Alex Reed, Mr. James? A Yes sir.

Q Do you know anything about a woman that Ben Lewis lived with some time that he took away from another man? A He dont know any other than the woman he married.

Q Who was that? A Her name was Sockey.

Q Did he ever live with a woman named Tennessee Wallace? A He says he dont know; he didn't know any other wallaces.

Q Where did he live just after the war? A He says he lived in Cedar County after the war, and then he moved to scullyville County.

Q State carefully, who all lived right around the old Spenser place, within about two miles around there? A He says there was not very many people about the old Spenser place; Ben Lewis lived on Big Lake, and that is where he lived too, and he mentions the names of several people, that he says, they were Chickasaws.

Q Did you know Captain Willis? A He says he used to live at Crowder creek about ten miles from there, and never did know him until he went to Kiamishe Ford after the War.

Q Who was Captain Willis' wife? A He says he dont know any-

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thing about her.

Q Did Captain Willis ever marry a woman that had been the wife of Ben Lewis? A He says that his wife lived there in Scullyville County, and she died there, and he dont think Captain Willis ever married Ben Lewis wife at all.

Q State when Captain Willis's wife died? A He says he knew Captain Willis, but when his wife died he dont know; after they moved from Crowder creek to Kimsiahe Ford about ten miles from there, and they died there and he dont know when.

Q State whether or not the wife of Captain Willis was a full blood Choctaw? A From the appearance she was a full blood.

Q State whether or not Captain Willis had any children? A He dont know for certain whether he had any children or not.

Q State when it was that you knew Captain Willis? A After the war; after he moved in about ten miles from the Big Lake where he lived.

Q from after the war when you knew Captain Willis how long did you continue to know him; how long before he died? A He says he dont know for certain as to how many years it was.

Q Was Captain Willis any kind to Ben Lewis? A No sir, he wasn't akin to him.

Q State who died first, Captain Willis or his wife? A He says they all dcd after they moved away from there and he dont know who died first.

Q When did they move away from there? A He says he dont remember at all as to just what time it was.

Q Where did Reuben Jackson live, Mr. James? A He moved down from Scullyville during the war to the Big Lake he mentioned a while ago, and lived there and died there.

Q Was that in Cedar County or not? A Yes sir.

Q Near whose place did he die? A James Barn, they lived there but moved away from them when he moved in and he dont know of anyone lived close to him.

Q Do you know any of the descendants of Captain Willis? A He sir, he dont know any.

Q Who were the father and mother of Captain Willis's wife? A He sir, he dont know.

Q Who were the parents of Captain Willis? A He dont know.

Q Ask him if he knew Shi-ko-pa Homma? A Yes sir.

Q Who were his children? A He says his children were Moses Homma, Ben Lewis, Alex Wade and Pikey.

Q Was Shi-ko-pa Homma related to you? A No sir, not related to him.

Q Ask him if the children he named were all the children Shi-ko-pa Homma had? A Yes sir, that all he knows.

Q State whether or not Captain Willis was related to Shi-ko-pa Homma in any way? A No, he dont think they were related to one another at all, as they were different in their clans; they were known by different clans, Sixtown and---

Q Tell him to state what Captain Willis was and what Shi-ko-pa Homma was, - to what clans they belonged? A No, he says he dont know.

Q Ask him if Shi-ko-pa Homma was not a Sixtown? A Yes sir, Shi-ko-pa Homma was a Sixtown.

By J. O. Pool:

Q Ask him if he knows how many children Shi-ko-pa Homma was the father of to please tell how he knows it? A He says they used to live close together, and that is how he knew him; he says he did not know this man, but learned his name, and after

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and he was pretty well acquainted with him.

- Q Is that the only reason he can give why it is that he knows these were all the children he had? A He says he used to go to school with Shi-ko-pa Homma's children, and Shi-ko-pa Homma was a trustee of the school and used to come there and talk to him most of the time, and he didn't know but four children at all that he had, but some might have died.
- Q Then ask him if it is not a fact that these were all the children that he knew, and if he had others he did not know it? A He says those four were all he knew anything about so far as he knows.

Re-direct examination by G. Rosenwinkle:

- Q When did he know these four children of Shi-ko-pa Homma's? A He says when they moved from Doakville they just made their house and lived altogether and that is where he got acquainted with him, and knew him for a long time.
- Q Tell him to give us some idea between what years he knew them? What period of time was covered that he knew Shi-ko-pa Homma and these four children? A About 1845 or '50 or somewhere along there when he knew them.
- Q When did Shi-ko-pa Homma die? A He says he don't remember for certain, but it seems to him like he died after the war.
- Q Ask him if Shi-ko-pa Homma had had any other children between 1845 and 1860 whether or not he would have known it?

By J. O. Pool: I object to such a question as that; it being a matter of impossibility for any man on top of God's earth to know how many children a man is the father of.

By Commission: Objection sustained.

- Q Ask him if he knew Shi-ko-pa Homma's wife? A Yes sir.
- Q State what children Shi-ko-pa Homma had between 1845 and '50? A He says several of his children died, and he couldn't tell just in that particular time.
- Q Ask him when Shi-ko-pa Homma's wife died? A He says after the war; he believed she died just about the same time that her husband died, but he don't know which died first.
- Q Ask him whether or not Shi-ko-pa Homma had a married son in the year 1860? A He says Ben Lewis married Sockey, and then afterwards they separated and then Ben Lewis married again to Phoebe, and she is still living now in Cedar County.
- Q Ask him if he is acquainted with this applicant, Georgia Cannedy? A No, he don't know anything about her.

Witness excused.

Robert Turner Everedge being called as a witness on behalf of the Choctaw Nation, after being duly sworn testifies as follows:

By G. Rosenwinkle:

- Q State your name, age and residence, Mr. Everedge? A Robert Turner Everedge.
- Q What is your age? A Forty seven years old.
- Q Are you a citizen of the Choctaw Nation? A Yes sir.
- Q By blood or intermarriage? A By blood.
- Q What county do you reside in? A Kiamisha County.

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- Q Did you ever know a party in Kiamishe County named Augustus Wallace? A No sir.
- Q Did you ever know Captain Willis in Kiamishe County? A No sir, I knew a man named Wallace Pyington.
- Q Did you ever know a man in that country that had some daughters, and had one daughter who was taken away from there by people from Michigan and went to Texas? A Yes sir, Wallace Pyington had a daughter who was sent out by the missionaries who went back to Virginia.
- Q Did this daughter ever return? A She's back home now; was when I left there.
- Q Did either of this gentleman's children marry a man named Thompson, this man Wallace Pyington?

By G. Rosenwinkle: I will state that the witness who should have preceded these witnesses is not here, Mr. McClure. We have tried to get him, and could not reach him to get service; he was here yesterday, and left this morning, and we will have to ask for a continuance on that account until we can get him.

Witness excused.

Simon E. Lewis being called as a witness on behalf of the Choctaw Nation, after being duly sworn, testifies as follows:

By G. Rosenwinkle.

- Q State your name, age and residence? A Simon E. Lewis.
- Q Where do you live? A McAlester.
- Q Your age is what? A Sixty-two years old.
- Q Are you a citizen of the Choctaw Nation? A Yes sir.
- Q What connection did you ever have with the making of the citizenship rolls in 1896? A I was one of the members of the first board that was appointed in 1896 at a call session of the Council in September; J. C. Fulson, J. J. Gardner and myself were sent to the Chickasaw Nation to make a roll of the Choctaw citizens living in the Chickasaw Nation; and there were three members of the Choctaws, appointed in each county to make a roll in the Choctaw Nation.
- Q Now, was that roll approved that was made by you? A No sir; that roll that we made of the Choctaws in the Chickasaw Nation was approved.

By J. O. Pool: I object; the roll will show whether it was approved or not approved.

By G. Rosenwinkle: This is to rebut your testimony that this woman was enrolled in 1896, and we are prepared to show that she was not enrolled in 1896; and this gentleman was chairman of the board at that time.

By Commission: Objection noted.

By witness: After this enrollment was returned to the Council everything excepting the roll of the Choctaws in the Chickasaw Nation was rejected by the Council, and a different board was created under a new law in October.

By G. Rosenwinkle:

- Q Were you or were you not a member of this new board? A I was

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chairman of the board in the first district.

- Q Did a lady by the name of Mrs. Georgia Cannedy apply to your commission for enrollment on behalf of herself and children in 1896? A Yes sir.
- Q What was done with her application? A She applied to the board there in McAlester, - but sometime before that we had challenged her husband's right to vote, - and because none of us knew who she was P. J. McClure made a statement to me---

J. O. Pool: I object for him to testify as to what Mr. McClure said unless he is dead, and can not be had to testify himself.

Commission: Objection sustained.

Witness: I made inquiry as to who this lady was, and I never could find out who she was, and then this first board that was appointed had put her on the roll; but I seen the names of some fifteen or twenty people on that roll I did not know, and I lived in that county, and because of this I wrote a notice to Coleman to notify all these parties to appear before us and satisfy us who they were; when she came before us to enroll I asked her where her father lived; she said his name was Augustus Wallace, and lived somewhere between there and Fort Smith; and she got mad and absolutely refused to answer any other questions, and she said-----

J. O. Pool: I object to any questions as to what she said; she is here and can testify herself.

G. Rosenwinkle:

- Q Did you reject her or did you not reject her? A Yes sir, she refused to give us any information, and told us flatfooted she wouldn't do it, and we rejected her straight out.
- Q You notified her to come before you and make such a showing as was required by law, and she refused to do that? A Yes sir; one Tandy K. Walker also told her to come and give a statement of some kind to satisfy the commission, and she refused to do that.
- Q Do you know anything about the testimony upon which she was enrolled before?

J. O. Pool: I object.

Commission: Objection sustained.

G. Rosenwinkle:

- Q I will ask you, Judge, whether the roll that was finally approved, - that you made, - that was finally approved by the Council of the Choctaw Nation, did or did not contain the name of Georgia Cannedy? A No sir, it did not; the '96 roll did not have her name.
- Q Are you acquainted with William Ansley? A Yes sir.
- Q Was he a member of the commission that made the second final roll in 1896? A No sir.

J. O. Pool:

- Q Mr. Lewis, you are assisting ~~him~~ in conducting the examination of these witnesses in the interest of the Nation to defeat

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this woman's enrollment, are you not? A Not particularly trying to defeat her; I have been trying to help correct this roll all the time.

Q Just answer the question; is it or not a fact? A Well, it is; I don't believe she is a Choctaw, and I therefore want to knock her out, or any other woman or man either who is not entitled..

Q You have taken quite an active part and put yourself to a good deal of trouble to have this woman knocked out? A Yes sir, and any of the balance of them; I was not confined to her.

G. Rosenwinkle: We will admit that he has made every effort which was possible to get her off the roll.

J. O. Pool:

Q You are not on very good terms with this lady are you? A I never had anything to do with her anyway, only just simply to attend to this particular business in the enrollment division.

Q I will ask you what you know of the reputation of Mr. Ansley for truth and veracity? A I guess he is all right.

Q Then when your testimony here says he was not, and his testimony says he was on the commission, which one has erred? A I have never said he was not on one commission; he was on the first board that was rejected; he was not on the last one though, and he won't say so; he wasn't on the second board; he wasn't on the board that made this roll.

Q When was this roll made that you are talking of now?

G. Rosenwinkle: Please state what roll you mean.

J. O. Pool: The roll he is speaking of.

G. Rosenwinkle: He has been speaking of two rolls.

J. O. Pool:

Q Which roll did Mr. Ansley do work on? A The first one he helped make.

Q The old rolls were rejected? A All but what was done in the Chickasaw Nation.

Q All the roll then except the one that you participated in was rejected? A Yes sir, excepting the Choctaws living in the Chickasaw Nation.

Q Then you were one of the commission appointed and made the second roll of the Choctaw Nation? A Yes sir, there were five in each district, and I was chairman of the board that made the second roll in the first district.

Q What composed the first district? A Five counties, Tombucky, Sans Bois, Gaines, Sugar Loaf and Scullyville.

Witness excused.

J. O. Pool: If the court please, he spoke something about a continuance of the case. I certainly will have to object. the testimony he has put in simply amounts to nothing, and I don't think I need any testimony to try to rebut a thing in the world; and I don't see the propriety in leaving the case open after they have had it granted and set twice, and this is upon a motion of their own that it was opened heretofore; had it been a motion of mine to open the case and they granted

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for time I would think it proper; I think it proper to give the defendant a good fair chance, but the plaintiff undoubtedly ought to be prepared; and they have had every opportunity to be prepared at this time.

Georgia Cannedy, the applicant, called as a witness by representative of Choctaw Nation, after being duly sworn testifies as follows:

G. Rosenwinkle.

Q State your name? A Georgia Cannedy.

Q Your age? A Forty-two.

Q Where were you born? A Cedar County.

Q Near what place? A Near the line of Kiamishie and Cedar.

Q How long did you continue to live there? A I was there until shortly after the war, and I don't know just what time.

Q Then where did you go? A Greenville, Texas.

Q How long did you remain there? A Until twelve or thirteen years ago.

Q Then where did you go? A I came right here in the Choctaw Nation.

Q Where did you locate then? A At what is now Sterrett.

Q I will ask you the name of your father, Mrs. Cannedy? A Augustus Wallace.

Q What is your mother's name? A Tennessee Wallace.

Q What was your mother's maiden name? A Nelson.

Q Who were her parents? A I don't know my grandparents.

Q If you testified in 1899 that your mother's maiden name was Tennessee Wallace was that an error? A That is a mistake; I said her name was Tennessee Wallace.

Q Who were your father's parents? A I don't know anything about my grandparents.

Q Have you not heard? A No sir.

Q You don't mean to say that you do not know anything about your grandparents? A I don't know my grandparents.

Q You don't know a thing about your grandparents? A No sir.

Q What was your father's blood? A A Choctaw.

Q How much Choctaw? A My understanding is he was a full blood.

Q Do you remember your father? A Yes sir.

Q What was your mother's blood? A Choctaw.

Q What degree of blood? A I don't know.

Q What were the circumstances in connection with your enrollment in 1893; how did you go about to secure your enrollment then? A I went down to enroll with them, and Mr. McClure was going down at the same time, and he went in as I did at the time I was enrolled; they wanted to know if there was anyone in the house to identify me, and he was the only man I knew there; he said he knew me.

Q How long had you known Mr. McClure then? A About two years; lived right across the alley from them for two years in McAlester.

Q Did your father ever live at Goodwater? A Not that I know of.

J. O. Pool:

Q Judge Lewis stated just now that he notified Judge Coleman to notify you that your enrollment in 1896 was going to be contested, and to appear before them at Coleman's store; did

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- you receive any such notice? A One day they come over there.
- Q Did you go? A Yes sir.
- Q Judge Lewis stated that he called upon you to make a statement and you emphatically refused; how was that? A That's a mistake; I never did refuse.
- Q That is wrong? A That is wrong.

G. Rosenwinkle: I object to that, because Judge Lewis did not make that statement.

Commission: Objection noted.

- Q Did you emphatically refuse or not? A I did not.
- Q Did you state to Judge Lewis that your parents lived somewhere between there and Fort Smith? A I did not.
- Q And then after that refuse to make any other statement? A I did not.
- Q Did anyone else ask you any questions at that time? A No sir.
- Q No one else questioned you? A No sir, Mr. Lewis only.
- Q You were on the roll of 1896 at that time? A Yes sir.

By Commission:

- Q When did you go to Coleman's store? A I couldn't tell you the date I was there, but I was there at the time they come around to correct those rolls.
- Q About what time of year was it? A It seems like it was in the fall, but I am not sure; I can't say for sure.

G. Rosenwinkle:

- Q You don't mean to say that there was nothing said between you and Mr. Lewis at Coleman's store? A I said I talked with Mr. Lewis here, but he was the only one.
- Q Is it not a fact that he asked you to make some kind of showing to satisfy the Commission? A He asked me if I was a citizen by blood of the Choctaw Nation, and I said I was.
- Q Did he not tell you that he would like to enroll you if you made a satisfactory showing? A I told him I was a citizen, but I could not establish the citizenship there, as I had only three days, and it was impossible for me to do it.
- Q As a matter of fact you did not make any showing, did you? A I couldn't get the proof up in three days, and of course could not make any showing.
- Q Did you not make the statement at that time that you did not propose to get up any proof, that they were simply mad at you because your husband did not vote with their party? A I told them that they objected on account of their prejudice or something, but I didn't say that.

Witness excused.

G. Rosenwinkle: Mr. P. J. McClure is a very material witness, upon whose statement this woman was placed upon the 1893 leased District payment roll, which is the only tribal recognition she ever has had. We sent a subpoena through the United States marshal for him, and it was returned this morning at 9 o'clock, stating that Mr. McClure had gone to Atoka; we telephoned to Mr. Linebaugh to try to hold him here, and we were advised that he took the night train and went to Denison; we telegraphed to Denison and tried to get him on

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the Flyer, and I have just been advised that he could not be found, and we contend that this is very material evidence; to secure the statement of this man is why we had this case re-opened.

J. O. Pool: We certainly must object for various reasons. The records will show that this case has been before your Commission since 1899; these people have had from that time to the present time to get the testimony of Mr. McClure; he lived within the circumference of their vicinity; they never obtained him before; they have never needed him before, and as soon as he knew the case was set here he has been on the dead run ever since; he knows nothing except what somebody else has said; they were satisfied with the entire thing for quite a while; they have grown dissatisfied by somebody whom I suppose is interested the other way; they have brought this case clear back from Washington before your Commission; they have had the time asked. You have granted a continuance of this case; you have granted their request upon telegram, and you have done everything you can do; they have brought these gentlemen here, these men who have testified, and their testimony does not seem to satisfy them; they want to bring Mr. McClure. Your Honor well knows that it is a principle of law that you can not bring Mr. McClure here to impeach his own testimony; and ourselves have to travel coming back here at an expense of our railroad fare back and forward; we have to pay it ourselves; it costs me five dollars here and five dollars to return; the lady lives at Haleyville, and we do not see the propriety in bringing Mr. McClure here. The rolls of 1893 have been confirmed; it is those rolls that they now propose to change,-- they want to question the putting of this lady on the rolls of 1893; it appears that they want to prove a question of fraud, but they don't know how; fraud must be charged before it can be proven. They were allowed all the latitude possible with all their witnesses they have. Seeing that they have made a total failure they want to have someone else, and we claim we are entitled to some courtesy as well as they; we think they should be allowed no longer to hold this case open.

G. Rosenwinkle: So far as the Judge says we have failed, that is not a fact. This subpoena was issued and the United States Marshal was instructed to serve it at the very same time all the others were, and this man is our principal witness, and we have used diligence to locate him; the matter of expense,-- so far as the expense is concerned it is more expensive to us than it is to you.

J. O. Pool: We have no way to get our expense back. I will call your attention to the diligence; this case was set for the 20th day of this month, and I will show you that this subpoena was never issued until the 20th, and this case was set on the 14th.

G. Rosenwinkle: I will show you when this case was set; you made the statement that this case was set on the 14th. Here is a telegram of the Commission which was sent after our Office hours on the night of May 18th, setting this case.

Commission: Make your motion for continuance in writing

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and submit it to the Commission. The Commission on the 25th of February, 1903, rendered a decision favorable to the applicants in this case enrolling them as citizens of the Choctaw Nation, on which date the applicants and the attorneys for the Nation were furnished with a copy of the decision, and were advised that the Nation would have fifteen days from that date in which to file a protest against the action of the Commission in enrolling the applicants as citizens of the Choctaw Nation; there was no objection entered to the action of the Commission in the case. The applicants were placed upon the schedule of citizens of the Choctaw Nation, which was forwarded to the Secretary of the Interior for his approval, but on the request of the attorneys for the Nation the Department on April 11, 1903, advised the Commission of the objection entered by the Nation to the enrollment of these persons, and instructed that the attorneys for the Choctaw and Chickasaw Nations be granted a reasonable time within which to introduce any evidence they might have tending to show that said parties were not entitled to enrollment in the Choctaw Nation, and that the applicant should be present and be permitted to examine any and all witnesses who should appear on behalf of the Nation. The Commission does not construe that the taking of the ~~same~~ testimony in this case within a reasonable time, as directed by the Department, is for the purpose of contradicting or invalidating the decision heretofore rendered, but is merely for the information of the Department in their consideration of the case. The reasonable time granted was thirty days, of which the Commission gave notice on April 27, 1903, in a letter addressed to the attorneys for the Nation, and in accordance with their request a specific date was set for the hearing of witnesses in this case at Atoka, Indian Territory, May 20, 1903; of this date the applicant and her attorneys were notified, and on request of the attorneys for the Nation on May 13, 1903, a continuance was granted until May 26th.

In view of the fact that all parties in interest have had at least thirty days notice of the taking of testimony herein I will decline to rule on any motion for continuance. If the Nation insists they can prepare and present their action in writing to the Commission for their consideration and action.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded the proceedings had in the above entitled cause at Atoka, Indian Territory, on the 26th day of May, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes taken therein.

Subscribed and sworn to before me this 28 day of May, 1903.

W. H. Martin
David Shelby
Notary Public

Commission to the Five Civilized Tribes,

Talihina, Indian Territory.

In the matters of the enrollment of Georgia Cannedy as a Choctaw by blood. Mitchell Willis being sworn and examined by Commissioner McKennon, testifies:

Q What is your name? A Mitchell Willis.

Q How old are you? A About fifty-two.

Q Are you a citizen of the Choctaw Nation? A Yes sir.

Q In what way? A Freedman.

Q You lived in the Choctaw Nation a very long while? A Always bred and born here.

Q Tell me I will ask you where you were living at the time of the close of the War? A Right at close to Grant, in a mile and a half of Grant.

Q Before that time where did you live? A At Old Spencer Assembly in Cedar.

Q When you lived in Cedar County there around old Spencer Assembly there how old were you? A About eighteen or nineteen years old.

Q Were you acquainted with the people that lived in the immediate neighborhood of Spencer there for eight or ten miles around? A Yes sir.

Q I will ask you if you ever knew a man in that neighborhood by the name of Gustus Wallace or Coster Wallace? A No sir.

Q A Choctaw Indian, full-blood? A No sir.

Q Did you ever know anyone in that neighborhood by the name of Wallace? A No sir.

Q I will ask you if there was a man by that name- a grown man- living in that neighborhood, if you would have known him?

A Yes sir, I would have known him at that time.

(Georgia Cannedy-Mitchell Willis witness #2)

Did you ever know the old Tom Hays' place? A Yes sir .

Q Did you ever see anyone around that place by the name of Wallace? A No sir I did not.

Q I will ask you if you know Alex Reed or Alex Homer?

A Yes sir I knew him well, always from a boy.

Q Has he ever lived in any other community than that?

A At that time yessir, he was raised right there east of Old Spencer.

Q Did you ever know anything of his brother, ^{older than} himself taking any man's wife away from him and living with her there? A No sir.

I knew his older brother and know he had a Choctaw woman at the time I left that county.

Q I will ask you if that brother of his, Ben, was ever married to a widow woman? That had a child that looked like a white child?

A No sir, I don't remember him marrying her, not to my recollection, I knew him well.

Q If any such party or parties lived at that Tom Hays place, or anywhere in the immediate neighborhood you would have known it?

A Yes sir I would; I was raised there until I was nearly grown.

Q Did you know old John P. Kingsberry, or any Kingsberry that lived at Pine Ridge Mission, near Doaksville?

A I only knew old man Kingsberry, the old missionary, who lived at Pine Ridge.

Q Did you ever know anyone that went from Tom Hays' place by the name of Wallace, Coston Wallace, and his wife, that went ~~and~~ to live with old man Kingsberry at Pine Ridge? A No sir. I don't remember anything of that kind.

Q You were at Pine Ridge often? A Yes sir, I lived with old man Reed and Alexander Reed, partly raised right there.

(Georgia Cannedy, Mitchell Willis witness #3)

Q If such people were living with old man Kingsberry you think you would have known them at that time? A Yes sir. I would have known them at that time.

Q You state that you are an older man than Alex Reed? A Yes sir, I am older than his older brother Ben.

Q You don't know of Coston Wallace living with the Aharts? A No sir, I don't.

Q You were well acquainted with the Aharts? A Yes sir, he was a Chickasaw.

Q No such people ever lived with him? A No sir.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify that my official oath as stenographer is hereby taken, and that this transcript is a true and correct translation of my stenographic notes.

M. D. Green

Commission to the Five Civilized Tribes,
Tushkahomma, Indian Territory.

In the matter of the enrollment of Georgia Cannedy and her children as choctaws by blood; being sworn by Com. McKennon she testifies:

Q Your name is what? A Georgia Cannedy.

Q What is your age? A Thirty-eight.

Q How long have you been residing in the Choctaw Nation? A I don't remember the year we did come here, I couldn't tell to save my life just the year.

Q Well about how long? A About ten years I guess.

Q Where did you come from when you came to the Choctaw Nation?

A Denison, Texas.

Q How long had you been living in Texas? A From the time I was ten years old, I presume about that, until ~~yesterday~~ about ten years back.

Q Where had you lived before you were ten years of age?

A Here in the Nation, different parts of the Nation, as well as I know; I couldn't tell at this time.

Q Was your father a white man or an Indian? A He was Indian.

Q Choctaw? A Yes sir.

Q Did he move to Texas with you? A No sir.

Q What became of him? A He died.

Q Before your mother went to Texas? A Yes sir.

Q Was your mother a white woman? A No sir, Indian.

Q What kind? A I am unable to say whether it was Chickasaw or Chocta.

Q You know what degree of blood she had? A No sir, I am not sure.

Q You returned about ten years ago, were you ever admitted by

Georgia Cannedy and children #2)

any Act of Council? A No sir.

Q Make application to the Council? A No sir.

Q The only manner in which you were recognized then is by your enrollment in '93? A Yes sir.

Q And the payment to you of Leased District money? A Yes sir.
And on the census rolls.

Q That was in 1893 you were paid? A Yes sir.

That's the only recognition you ever had was it? A Yes sir.

Q Your husband, Thompson, was he a white man? A Yes sir.

Q Mr. Cannedy a white man? A Yes sir.

Q Is he living? A Yes sir.

Q Where is he? A McAlester.

Q (Dukes) What's your father's name? A Augustus Wallace.

Where did your father die at? A In Cedar County if I am not mistaken.

Q (Lewis) What is your mother's name? A Tennessee Wallace.

Q Where did she die? A She died I think in Cedar County also.

Q Was that before you went to Texas? A Yes sir.

Q They had both died before you went to Texas? A Yes sir.

Q Were you taken there by white people? A Yes sir.

Q And lived with white people? A Yes sir.

Q (Lewis) How long have you known where they died at?

A For the last year.

Q Did you know it at the time you undertook to enroll before me there at McAlester? A No sir.

Q Did you know it when you talked to the Governor? A No sir.

Q Just learned it recently then? A Yes sir. From my relatives and others.

Q Didn't you really learn it after you came to Antlers the other day? A No sir.

Q (Dukes) What was the white people's name you went off with?

(Georgia Cannody and children, #3)

A Schoonover.

Q They lived there in Cedar too did they? A No sir, they just come through the country and stopped; they was from Michigan to this country.

Q You remember when your father died? A No sir I don't.

Q (Lewis) Which died first your mother or father? A My father died first.

Q Was your mother a full-blood Indian? A No sir.

Q Was your father? A I think my father was to the best of my knowledge.

Q What's your mother's maiden name? A Tennessee Wallace.

Q What was her father and mother's name? A I am not able to tell.

Q You know she wasn't a full-blood do you? A I don't think she was, to the best of my knowledge.

Q Didn't you tell Freeman McClure you was raised in Kiamitia County? A No sir.

Q You didn't state you was Old Man Wallace's daughter that lived at Godwater? A No indeed I did not.

E. H. Reed, being sworn and examined by Com. McKennon et al. testifies:

(Dukes, Interpreter)

Q What is your name? A E. H. Reed.

Q How old are you? A Forty-eight.

Q Are you a citizen of the Choctaw Nation? A Yes sir.

Q You are a full-blood Choctaw? A Yes sir.

Q Do you know Mrs. Georgia Cannody? A Says he seen her when she was small. Seen her when she was with her mother.

Q How long ago has that been? A He says that he seen

(Georgia Cannedy, #4)

her when she was a small baby; says that this woman's father and mother separated and then his brother taken up with this woman's mother and lived with her a little while and then they separated and afterwards said this lady's father and mother went back together.

Q What became of them then? A Says then from that on this lady's father went and staid with Mr. Kingsby and worked for him and then he went to Red River County and staid, where he died he couldn't say, but he suppose he died somewhere around there.

Q What County? A Says that place was Towson County, but he says this lady's father sometimes staid with some Chickasaws by the name of Ahart in the neighborhood there, and couldn't say exactly where he did die.

Q Ask him if he knows what became of her mother?

A He says he don't know where she died, she died somewhere, and says his sister thought she died somewhere about the Aharts there or sometimes she used to go over near Goodland and she might have died there, he don't know where she died exactly.

Q After he had known her when she was a child when was the next time he saw her? A Says he hadn't seen her when she was a little child until he met her there at Antlers.

Q When? A Says the Tuesday you were registering down there.

Q Did you then recognize her as the same person you had known as a child? A He says he couldn't have recognized her except that he found her there inquiring about her father and mother, and says he just thought if this was the same child that he had seen then he knew the father and mother; he didn't know where she had been since and hadn't heard of her since.

Q Do you know then that she is the child of these parties whom you have named except as she tells you? A He says he don't

Georgia Cannedy 45)

know anything only what she told him; says he hadn't seen her nor heard of her since she was a little girl; as to his own knowledge he don't know anything about her since; says if she hadn't said that he wouldn't have known her at all.

Q Are you in any way interested in her enrollment? A I. Says he ain't interested.

Q (Lewis) Ask him who was Tennessee, was she a full-blood Choctaw or what was she? A He says he don't know any of her ancestors, or anything about who she was, but says she was a full-blood Choctaw. He says he don't know anyone that he was relative to but Amos Wallace and he was a full-blood Choctaw. Her father was related to Amos Wallace and Amos Wallace was a full-blood Choctaw.

Q (Lewis) Ask him if Augustus Wallace was a full-blood?

QA Yes, he says.

Q (Capt. Hick) Then he says her father and mother were both full-bloods? A Yes sir.

Q (Lewis) Ask how long has it been since them parties died? A Says he couldn't tell exactly how long it is, but it wasn't a great while after the War.

Q Ask him if it was a year after the War? A Says it was a little over a year, says he don't know which died first, father or mother.

Q (Lewis) Ask him how old he was at that time? A Says he thinks he was about eighteen years old.

Q Ask him where these folks lived; what particular place?

A He says he himself lived two miles beyond Old Spencer, he says he don't know exactly where they lived at that time, but says he saw them about Ahart's there and Aharts lived with Hickman Hays, on the road from Old Spencer to Goodland.

Georgia Gannedy, E.H. Reed witness #6)

Q Ask him if he was certain Ahart was a Chickasaw or Choctaw or if he was an Indian? A Says he don't know, just called him a Chickasaw, says he believed that he was a Chickasaw.

Q Ask him which way he lived from Dave Holmes's old place? Ask him how far did they live from Old Man Thompson? A Says he don't know Dave Holmes and don't know Old Man Thompson.

Q Ask him which way they lived from where a white man named Morris lived? A Says away this side of where Tom Morris' father lived. He says the father and mother of this lady he never heard them talk anything but Choctaw language; he never heard them speak English at all. They were full-bloods.

Q (Lewis) He don't know then what ever became of that child that he saw there with them? A He says he don't know.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify under the official oath as
stenographer to above named Commission, that this
transcript is a true and correct translation of
my stenographic notes.

M.D. Green

Commission to the Five Civilized Tribes,

South Webster, Ind. 1891.

In the enrollment of George H. Henson as a Choctaw, Thomas J. Wall being sworn and examined by George H. Henson states:

Q. What is your name? A. Thomas J. Wall.

Q. How old are you? A. Fifty-seven.

Examined by George H. Lewis:

Q. Along about 1866, 7 & 8 you were living in cedar country?

A. Yes sir.

Q. You was well acquainted around old Spencer Academy wasn't you?

A. Yes sir.

Q. Did you ever know of a Choctaw man named Augustus Wallace, who had a wife named Mary Wallace who lived anywhere near Old Spencer?

A. No sir, it happened that way that I never knew him.

Q. If there had been any Choctaws there by that name you would have been pretty apt to have known it? A. Yes sir, it looks like I ought.

Q. In the direction towards Goodland from Old Spencer, do you know how many houses was in there between Spencer and Goodland?

A. No I don't know, but they are very scattering.

Q. Do you know who lived at the old Tom Hays place? A. I believe an old Chickasaw fellow lived there by the name of I have forgotten his name.

Q. Do you know where Alexander Reed lived? A. No sir, but he lived right there in that settlement; I never was about him.

Q. Wasn't there an old Chickasaw man lived there they called him? A. Yes sir he lived there, he told him named it to one side; I don't know his name.

Q. Right along by Goodland was an old Choctaw fellow named Foster? A. Yes sir.

Q. Did anyone else come from Goodland and live there? A. Yes sir.

Georgia Cannady- Thom J. Wall- witness #2]

Q The next place was old Dave Holmes' place wasn't it?

A Yes sir.

Q Do you know who was living there at that time? A No sir, I don't.

Q Did you know an Indian who lived there by the name of (I think)?

A Yes sir, I knew him.

Q What was his name? A He was a full-blood Cheate.

Q You never heard of Gustin Wallace at all? A I never heard of but one Gustin there and he was Cole.

Q You lived there before the War a while didn't you, - before you was Secretary? A Yes sir.

Q And all of them Cheates was neighbors to you? A Yes sir.

Department of the Interior,

Commissioner to the Five Civilized Tribes.
I hereby certify upon my official oath as
stenographer to above named Commission that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. Green

Commission to the Five Civilized Tribes.

Atoka, I. T., Dec. 9th, 1898.

In the presence of Georgia County, as a Captain J. D. Harrison being sworn and examined by Com'r. McKenna states:

(A. Telle, Interpreter.)

Q What is your name? A J. D. Harrison.

Q How old are you? A Sixty-three years old.

Q You are a Choctaw Indian by blood? A Yes sir.

Q And a recognized citizen of the Choctaw Nation? A Yes sir.
Imagined by Attorney Davis Humer.

Q Do you know Shikane Hume? A Yes sir. I know him. He lives in the same neighborhood that I did.

Q In what neighborhood was that? A In Cedar County, at what is known as Big Light Church Ground, in Cedar County.

Q Did Shikane Hume have three sons. I will name them, Ben Lewis, Alex Reed and Captain Willis? A Yes sir.

Q By what other name is he called? A He is sometimes called by

A That is all that I have ever known him to be called by.

Q Alex Reed is sometimes called by that name, the son of Shikane Hume isn't he? A He says what as first named there they called him Alex Hume, but they didn't keep it up, that is just a Choctaw name, and when they picked up the name of Alex Reed they called him Alex Reed all the time.

Q I will ask whether he knows Captain Willis' wife? A I know Captain Willis' wife, but I don't know who her ancestors were, but I don't think she was a white woman. She was a Choctaw of very light complexion, and might have the appearance of a white woman, - something like a half-breed.

Q I will ask if he knows that this lady, Mrs. Sweeney, would be the daughter of that woman? A Yes sir. I know that Mrs. Sweeney is the daughter of that woman. She was a very

Georgia Cemetery - J. D. ... (2)

Q I will ask if Alex Reed would not be a near relative of ...
A He being the son of ... woman, would be a relative of
this woman.

Examined by Choctaw County Lewis:

Q Ask him how old Alex Reed is at present? A He would be
something over forty years old.

Q Ask him if he knows this woman to be Captain Willis' wife's
sister. A He says, no, I do not know her to be a daughter of
that woman. I lived there just before the War, and conse-

quently don't know her, but from representations, if she is the
daughter of that woman she belongs to that family.

Q Ask him if that woman had any children when he lived there,
of any kind? A No, she had no children at all at that time.

Q Ask him where Captain Willis lived? A Captain Willis lived
over in Townson County.

Q In what part of Townson County did they live? A He lived
beyond Wheelock, near what is called Shumacottown.

Q Ask him if he knows any of the old people that lived there
close to Captain Willis who are living now? A I think that
they are about all dead.

Q Ask him if Cornelius Jones didn't live somewhere near there?
A I can't know.

Q Ask him if Mitchell Laylore lived near there? A Mitchell
Laylore lived on Little River, the other side of Little River.

Q Ask him if Captain Willis and his wife died there in that
neighborhood? A I couldn't say just where Captain Willis
died, but that is where he was living when I moved away, and
it may be possible that he died there, but I couldn't say for cer-
tain. If he died in the same neighborhood that he was living, he
died near Shumacottown.

Q Ask him if he knows where Captain Willis and his wife were
buried? A I don't know.

Georgia Kennedy - J.D. Williams (3)

know anything about whether they had any children or not, but they did not have any when I lived there.

Q Ask him what year it was when he moved up here? A He says it must have been about the year 1888 when he moved up here, because something like two years after he moved away the war broke out.

Q Ask him if he knew a man by the name of Hart, who lived in Cedar County? A He says his name was not Hart, his name was Hart. He lived about two miles the other side of Big Lick Preaching Ground.

Q Ask him what was his name? A He was a Choctaw.

Q Ask him if he was a Christian? A He was an Okfuskee, his name was a Choctaw.

Q This man Hart, or Hart, was a full-blood Choctaw Indian, was he? A He was a full-blood Choctaw, and was related to me.

Q Ask him if he moved over to Kiamilla county and died?

A No he did not, he died right there in the same neighborhood.

Examined by Attorney Davis Homer:

Q Didn't Ben Lewis marry this woman, and separated, and then Captain Willis married this woman who is supposed to be the mother of this woman? A Yes sir, Ben Lewis was married by this woman and after they had separated then Captain Willis married her.

Examined by Choctaw Com'r Lewis:

Q Ask him who was Ben Lewis' first wife? A Didn't have any other wife.

Q Ask him if he didn't marry Alice James' sister, Elizabeth Williams? A He says he may have married her after he quit this other woman, but he had no wife at all when he lived there.

Q Ask him did he ever hear of any one named Margaret Williams, or Susan Williams? A There was one they called Williams, but he was not a Choctaw.

Q Ask him what was his name? A He was a Choctaw, but I don't know his name.

Georgia Gambley- J.D. Harrison witness #6)

Q He didn't live anywhere near Spencer? A No, he didn't live near Spencer.

Q Ask him if he knew anybody named Wallace that lived between Spencer and where Goodland now is, on the other side of the River?

A I did not.

Q Ask him if he knows that place was called the Tom Hayes' place? A No.

Q Ask him if he knew an old Chickasaw fellow that lived over towards Kiamitia, named Lashah? A Yes sir, I knew him.

Q He didn't know no man named Wallace that lived around in that neighborhood did he? A Says no I did not know anyone living by that name, I only know that Chickasaw by that name.

Tobias Edwards being sworn and examined stated:

(A. Telle, Interpreter.)

Q What is your name? A Tobias Edwards.

Q How old are you? A I should think I am about seventy-five or eighty.

Examined by Attorney Davis Homer:

Q Did you know a Cheatey man named Shikopa Homma, who lived in Cedar and Towson County? A Yes sir, I knew him; Shikopa Homma lived near a point known as Big Lick Meeting Ground, where Cedar and Towson Counties join.

Q Did he have any sons? A He says yes, he had a son named Captain Willis.

Q Was that all the son that you know of? A He had other sons, but I do not remember their names.

Q Now then, you go ahead and tell this Commission about that child, Willis' daughter? A He says there was a child, and she looked like a white girl, she was raised with him, and she was married, and married a man whose name I do not now recollect, and after she separated from him, she was married to another man.

George Gannaway - S. B. Thomas Edwards, Jackson, Mo.

Q After Captain Willis married this woman do you remember or recollect of seeing a child that was born to them while they were living together? A I remember seeing a child, say about seven years of age, there with them, but as to whether that child was their child or not, or the child of this woman, I don't know, she was simply there.

Q You don't know then that this girl was the daughter of Captain Willis? A This child was born after Captain Willis married this woman, and had grown up to the size that I saw, but whether this woman here is that same child or not, I don't know, because I have not seen her since that time.

Q When you saw this girl last was it before the war or after the war or during the war, or what time? A A little before the war.

Q Did you say that this child was born just before the war, or when? A She was about seven years old just before the war; that was when I saw her last.

Q Who was Captain Willis, was he a Cheater Indian or a white man? A He was a half-breed Cheater Indian.

Q And who was his wife, was she a Cheater woman? A She was a Cheater Indian, but her complexion would indicate that she might be of white origin, but she was an Indian of that peculiar appearance that gave one the impression that she was really a white person.

Q Was Captain Willis' wife a half-breed, part Cheater and part white? A I don't know what the origin of that girl was; she was an orphan that my father raised, and he said that she was his niece, but of her people before that time, I don't know anything about them.

Q Then the girl that was the wife of Captain Willis might be the same girl, but you don't know? A I certainly don't know, but I know of Captain Willis, as I before stated, but I have not seen her since that time, and seeing that she was a white person, I don't know.

Georgia Cannedy- Tobias Edwards, witness.

would not say that she is the same girl that I saw then.

Examin-er by Choctaw gen'l Lewis:

Q Did you ever know a man who lived anywhere near Old Spencer Academy named Augustus Wallace or Gustus Wallace? A I rather think possibly I have heard of the name, but I don't remember of knowing anybody by that name now.

Q Where did Captain Willis die at? A Captain Willis lived and died in Cedar county, near where Reuben Jackson's place is now.

Q Where Reuben Jackson lived is kind of north-west from Old Spencer ain't it? A Yes sir.

Q (Lewis asks question in Choctaw and interpret himself): I asked him was it on a creek they called Cloudy Creek, and he said no, it was not in the neighborhood of where Reuben Jackson and his relatives lived.

Q Did Captain Willis ever live down near Shawneetown? A He did live there once.

Q When was that when he lived at Shawneetown? A It was before the War.

Q How long? A A good many years; he first lived in Cedar county and then moved over near Shawneetown, but moved back to his old place in a short time. He died there at the old place.

Q When did he stay? A I think he died after the War ended, he says he saw him, they were in the Army, and he saw him, but he couldn't tell just when he died; he thought it was just about the time the War ended. He says they were electing officers after the War and they were kind of organizing the county over, and he says he thinks it was after the War he died.

Q You don't know then what became of that child? A No sir.

Q When did Captain Willis die? A I don't know what became of the child, but I don't know.

Q When did he move away from there? A Yes sir.

Georgia Chumley- Tobias Edwards witness- #7)

Examined by Attorney Davis H. H. H.

Q. Are you an enrolled citizen?

A. Yes sir, I am an enrolled citizen of the Choctaw Nation.

Q. Was you enrolled as a citizen of the Choctaw Nation by blood?

A. Yes sir.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify that my official act as
stenographer to above named Commission that this
transcript is a true and correct translation of
my stenographic notes.

W. D. Green

COPY.

7 D 181

L. Q. L.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Georgia Cannedy, Charles Thompson, Beulah Thompson, Earl Cannedy, Roy Cannedy and Irma Cannedy as citizens by blood of the Choctaw Nation.

D E C I S I O N.

It appears from the census card records in this case that Georgia Cannedy appeared before the Commission at Tahleah, Indian Territory, May 23, 1899, and made personal application for the enrollment of herself and her five minor children, Charles Thompson, Beulah Thompson, Earl Cannedy, Roy Cannedy and Irma Cannedy, as citizens by blood of the Choctaw Nation. Further proceedings were had in the matter of this application at Tuskahoma, Indian Territory, at the session of the Commission commencing May 29, and ending May 31, 1899; at South McAlester, Indian Territory, at the session of the Commission beginning September 4 and ending September 13, 1899; at Atoka, Indian Territory, December 9, 1899, and at South McAlester, Indian Territory, December 24, 1902.

The evidence in this case shows that the principal applicant, Georgia Cannedy, was born in the Choctaw Nation, Indian Territory, of Indian parents; that subsequent to their death she removed to the State of Texas, when she was about ten years of age, and resided there until about 1889; that she is a recognized and enrolled citizen by blood of the Choctaw Nation; that minor applicants Charles Thompson and Beulah Thompson are the children of Georgia Cannedy and her former husband, Jim Thompson, a non-citizen; that minor applicants Earl Cannedy, Roy Cannedy and Irma Cannedy are the children of Georgia Cannedy and her present husband, Lin Cannedy, a non-citizen.

On examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, the names of Georgia Cannedy (as Georgia Cannedy), Charles Thompson (as Charles T. Cannedy), Beulah Thompson (as Beulah Cannedy), Earl Cannedy (as Earl Cannedy) and Roy Cannedy (as Roy Cannedy) are identified on the 1893 Leased District payroll, page 18, Nos. 177, 178, 181, 179 and 180, respectively. The minor applicant Irma Cannedy is identified by proper proof of birth furnished the Commission June 1, 1899.

At the session of the Commission held at South McAlester, Indian Territory, December 24, 1902, William Amley (the Chairman of the Choctaw Commission that prepared the 1896 census roll), appeared and testified that Mrs. Cannedy and her children were enrolled on the said 1896 census roll, but it does not appear from

Georgia Kennedy, et al., —

2

a careful examination of said roll that the name of any of the applicants herein is listed thereon.

The evidence in this case further shows that all of the applicants herein were residents in good faith of Indian Territory on June 25, 1896, and had been for nine or ten years prior thereto.

It is, therefore, the opinion of this Commission that Georgia Kennedy, Charles Thompson, Neulah Thompson, Earl Kennedy, Roy Kennedy and Irma Kennedy should be enrolled as citizens by blood of the Cherokee Nation in accordance with the provisions of section twenty-two of the Act of Congress approved June 25, 1896, (30 Stat., 496), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Jame Dixby.
Acting Chairman.

(SIGNED) T. B. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

FEB 25 1903

*IN RE**Application for Enrollment of**INFANT CHILD**Irena Leamody**as a citizen of the**Choctaw* Nation.

Approved 190

Commissioner.

DEPARTMENT OF THE INTERIOR, COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
of _____, born on the _____ day of _____, 190____
(Here insert name of child.)
Name of Father: _____, a citizen of the _____ Nation.
Name of Mother: _____, a citizen of the _____ Nation.
Post-Office: _____

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY,
Central District. }

I, Georgia Cannedy, on oath state that I am 38
years of age and a citizen, by blood, of the Choctaw Nation;
that I am the lawful wife of Lin Cannedy, who is a citizen, by
intermarriage, of the Choctaw Nation, that a female child was
(Male or female.)
born to me on the 9th day of May, 1895, ~~1900~~ that said child has been
named Irma Cannedy, and is now living.

Georgia Cannedy,

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 26th day of May, 1899. 190____

Bertha L. Frederick,

Notary Public.

Seal.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY,
Central District. }

I, Mary Cartlidge, a midwife, on oath state that I
attended on Mrs. Georgia Canneday, wife of Lin Canneday,
on the 9th day of May, 1895, 190____; that there was born to her on said
date a female child; that said child is now living and is said to have been
(Male or female.)
named Irma Cannedy.

Mary Cartlidge

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 26th day of May, 1899. 190____

Bertha L. Frederick,

Notary Public.

Seal.

Muskogee, Indian Territory, March 26, 1900.

Messrs. Mansfield, McMurray & Cornish,
South McAlester, Indian Territory,
Gentlemen:

The Commission is in receipt of your letter of March 26, in which you desire to be advised as to whether or not the names of Mrs. G. A. Gannady and her children appear on the census cards of the Choctaw Nation. You are informed that the records of this Commission show that the following appear listed for enrollment by this Commission in the Choctaw Nation: Georgia Gannady, thirty eight years of age, Charles Thompson, nineteen years of age, Paulah Thompson, seventeen years, Earl Gannady, ten, Roy Gannady, seven, Irma Gannady, four. The five names last mentioned are the children of Georgia Gannady.

Yours truly,

Living Chairman.

In replying to this letter,
please refer to Choctaw D 161.

5644

Muscogee, Indian Territory,

August, 18th, 1900.

Georgia Cannedy,

Oklahester, Indian Territory,

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKee, McCalla, Murray, & Cornish, has filed with the Commission a notice of protest to your enrollment and the enrollment of Charles and Beulah Thompson, Earl, Roy, and Irma Cannedy as citizens of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, hold a session at Anoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-181.

Muskogee, Indian Territory, November 22, 1906.

Mrs. G. A. Kennedy,
Care John Cook, Attorney at Law,
Antlers, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of the 16th instant in the matter of the protest filed by the representatives of the Choctaw Nation to your enrollment and the enrollment of your children as citizens of the Choctaw Nation.

You state in your letter that you desire to appear before the Commission at its session in Atoka next month and request that you be allowed to introduce additional testimony in support of your claim and the claim of your children.

You are informed that the Commission will at its session in Atoka, beginning December 3rd, hear additional testimony that you or any witnesses you may desire to present in your behalf, may offer in support of the application of yourself and children for enrollment as citizens of the Choctaw Nation.

Yours truly,

Acting Chairman.

7-2-181

Muskogee, Indian Territory, February 7, 1901.

G. A. Gannedy,

South McAlester, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of the 3rd instant in which you desire to be informed if you will be allowed to take the depositions of some old people in Cedar County, Choctaw Nation, for the purpose of having the same offered as proof of your citizenship in the matter of your application for enrollment as a citizen of the Choctaw Nation.

Replying to your letter you are informed that the Commission has required in these contested enrollment cases in the Choctaw Nation, that the testimony of applicants shall be given in person before the Commission but in a few cases upon proof of inability of the witnesses to appear before the Commission, the taking of depositions has been allowed.

The Commission notes from your letter that you live at South McAlester and would suggest that you call upon Messrs. Mansfield, McMurray & Copenhaf of South McAlester, attorneys for the Choctaw Nation and it is possible that upon an agreement made by them and presented to the Commission, in order for the taking of such depositions as you desire, may be granted.

Yours truly,

7-D-181

Acting Chairman.

Muskogee, Indian Territory, April 17, 1901.

Mr. W. H. Brown,

Attorney at Law,

South McAlester, Indian Territory,

Dear Sir:-

Receipt is hereby acknowledged of your letter of March 19, 1901, relating to the matter of the application for enrollment, as a citizen by blood of the Choctaw Nation, of Georgia Kennedy, and you desire to be advised as to what is necessary in her case in the way of additional evidence, if any, and when and where the same may be heard.

The Commission notes from your letter that you live at South McAlester, Indian Territory, and would suggest that you call upon Messrs. Mansfield, McMurray & Cornish at South McAlester, Attorneys for the Choctaw Nation, and it is probable that an agreement can be made with them as to the time of hearing such additional evidence as you may desire to offer in behalf of Mrs. Kennedy. As the hearing of additional evidence in several other contested cases has been set for Monday, June 3, 1901, at the office of the Commission in Muskogee, Indian Territory, it is suggested that it is likely an agreement might be reached for hearing the additional testimony in the case of Mrs. Kennedy upon the same date.

Yours truly,

V-D-LR

Acting Chairman.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

4-1003
REFER IN REPLY TO THE FOLLOWING

Choctaw D-181,

ADDRESS ONLY TO:
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 27, 1902.

Georgia Cannedy,

McAlester, Indian Territory,

You are hereby notified that the application for enrollment of yourself and children, Charles Thompson, Puleah Thompson, Earl Cannedy, Roy Cannedy and Irma Cannedy as citizens of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 6th day of April, 1902.

On said date, you may if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the Representatives of the Choctaw Nation will also at the same time be afforded an opportunity to introduce testimony affecting your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes,

Register.


Commissioner in Charge,

Cheotaw D 181

Muskogee, Indian Territory, May 22, 1902.

R. B. Coleman,

McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 5th instant, in which you request that you be furnished with a certified copy of the evidence in the matter of the application of Mrs. Georgia Cannedy, an applicant to this Commission for enrollment as a citizen of the Cheotaw Nation.

Replying to your communication you are advised that the record in this case is quite voluminous, a part of the same being exhibits and other original documents filed by the applicant, nor are there a sufficient number of copies of the testimony in this case to permit of the withdrawal of any of such copies from this office.

If you are desirous of having a copy of the record in this case, you or any other competent person authorized by you to make such copy, will be allowed to do so at the office of the Commission at Muskogee, Indian Territory.

You are further advised that on notice given to Mrs. Cannedy and the attorneys for the Cheotaw Nation, this case was called for final consideration at the office of the Commission at

2302

Muskogee, Indian Territory, on April 5, 1902, when no appearance was made by or on behalf of the applicant. Messrs Mansfield, McMurray & Cornish, representing the Choctaw Nation, submitted the case upon the evidence and record as now made.

If you are desirous of submitting a brief in support of the application of Mrs. Carnedy and her children to enrollment as citizens of the Choctaw Nation, the Commission will accept such brief for consideration provided the same is submitted within fifteen days from the date hereof.

At the expiration of the fifteen days' time granted for this purpose, the Commission will render its decision in the case and if such decision is unfavorable to Mrs. Carnedy and her children she will be advised thereof and also notified of the forwarding of the record in the case to the Secretary of the Interior for review.

Yours truly,

Acting Chairman.

Chectaw D 181

Muskogee, Indian Territory, June 12, 1902.

J. O. Pool,

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 7th instant, requesting that you be informed if Mrs. Georgia Cannedy is enrolled as a Chectaw citizen.

Replying to your communication you are advised that it appears from the records of this office that Georgia Cannedy and her five children are applicants to this Commission for enrollment as citizens by blood of the Chectaw Nation.

On February 27, 1902, this case was called for final consideration at the office of the Commission at Muskogee, Indian Territory, and the applicants, being called, failed to appear and the Chectaw Nation appeared by its attorneys, Mansfield, McMurray & Cornish and submitted the case upon the evidence and record as then made up.

The Commission now considering this case closed will as early as practicable render a decision, of which Mrs. Cannedy will be duly advised and also notified of the forwarding of the record in the case to the Secretary of the Interior for his review.

Yours truly,

Choctaw D 181

Muskogee, Indian Territory, July 18, 1902.

Georgia Cannedy,

Care J. O'Pool,

Durant, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of June 24, 1902, with which you enclose the affidavits of Jerry Colbert and John Lewis to be used as testimony in support of your application for enrollment as a citizen of the Choctaw Nation.

The same are returned to you herewith for the reason that the same cannot be accepted and filed in support of such application for the reason that such evidence is not material in the matter of the determination of the rights of Georgia Cannedy and her children to be enrolled as citizens by blood of the Choctaw Nation and it does not appear from our records that you have ever made application to this Commission for the identification of yourself and your children as Mississippi Choctaws under the provisions of the act of Congress of June 28, 1898.

You are an applicant to this Commission for the enrollment of yourself and your children as citizens by blood of the Choctaw Nation and your names are duly identified from the 1893 Leased District payment roll of the citizens of the Choctaw

302

Nation and the Commission will at as early a date as practicable determine the rights of yourself and children to be finally enrolled as citizens of the Choctaw Nation.

If in addition to such application for enrollment you desire to submit an application for identification as Mississippi Choctaws, you will be heard upon your personal appearance at the office of the Commission at Muskogee, Indian Territory, and until such personal application no documentary evidence of any character can be accepted for consideration in support of such claim.

Yours truly,

Commissioner in Charge,

Enc Y 22

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON I. AVESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

100CB
REFER IN REPLY TO THE FOLLOWING.

Choctaw D-181

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 25, 1903.

Georgia Cannedy,
McAlester, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission, rendered February 25, 1903, granting the application of Georgia Cannedy, Charles Thompson, Beulah Thompson, Earl Cannedy, Roy Cannedy and Irma Cannedy for enrollment as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time, no protest has been filed, the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Registered.
Enc. IBS. 20.


Chairman.

Choctaw 5544.

Muskogee, Indian Territory, March 24, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the twenty first instant with which was inclosed a protest of the Choctaw and Chickasaw Nations to the action of the Commission to the Five Civilized Tribes in enrolling Georgia Kennedy, Charles Thompson, Beulah Thompson, Earl Kennedy, Roy Kennedy and Irma Kennedy as citizens by blood of the Choctaw Nation. In your letter of the twenty first instant you invite attention to the decision of the Commission of February 25, 1903, and state that you have recently discovered that the names of the persons whose names appear in the favorable decision of the Commission of February 25, 1902, appear upon the records of your office as Kennedy, and that you have heretofore contested the right to enrollment of these persons and are firmly of the opinion that they are not entitled to enrollment never having been admitted as citizens of the Choctaw Nation.

In conclusion you state that in view of the existing conditions you respectfully request that the time for filing protest be

M McM & C 2

Ida Muts appears upon our records as Dave Hardwick, now deceased, who was a citizen by blood of the Chickasaw Nation and a resident of Pickens County. The mother of Ida Muts appears on our records as Creecy Merriman, whose present age is forty two, and who has been enrolled by this Commission as a citizen by blood of the Chickasaw Nation, her enrollment having been approved by the Secretary of the Interior on December 12, 1902.

George Muts, whose enrollment as an intermarried citizen of the Chickasaw Nation was granted by the Commission in its decision of March 16, was married to Ida Hardwick under a United States license in 1892, and subsequently, in September 1896, remarried to the same woman under a Chickasaw tribal license. The record in the case further shows that he has continuously resided with his Chickasaw wife since their marriage in 1892.

The Commission has, in this connection, to advise you that no decisions are being rendered by the Commission enrolling citizens by intermarriage of the Choctaw and Chickasaw Nations, except of those persons whose Choctaw wives or husbands have been duly enrolled by this Commission as citizens by blood of the Choctaw and Chickasaw Nations and whose enrollment has been finally approved by the Secretary of the Interior.

Respectfully,

Chairman.

7-5644.

Muskogee, Indian Territory, April 23, 1903.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby advised that Dawes roll numbers 14875 to 14880 inclusive have this day been removed from original Choctaw enrollment card, number 5644.

You are requested to remove the same from the duplicate card in your possession.

Respectfully,

Chairman.

Langagee, Indian Territory, May 14, 1903.

Georgia Kennedy,

McAlester, Indian Territory.

Dear Madam:

You are hereby advised that at the office of the
Commission to the Five Civilized Tribes at Atoka, Indian
Territory, on Wednesday, May 20th, 1903, at 1 o'clock P.M.,
the Commission will hear the testimony of such witnesses as may
be presented relative to the rights of enrollment of Georgia
Kennedy and her children as citizens of the Choctaw
Nation.

Respectfully,

Commissioner in Charge.

Registered

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6-
Muskogee, Indian Territory, May 16, 1908.

Georgia Cannedy,

South McAlester, Indian Territory.

Dear Madam:

You are hereby advised that, at the office of the
Commission to the Five Civilized Tribes at Atoka, Indian
Territory, on Wednesday, May 20th, 1908, at 1 o'clock P.M.,
the Commission will hear the testimony of such witnesses as may
be presented relative to the rights to enrollment of Georgia
Cannedy and her children as citizens by blood of the Cherokee
Nation.

Respectfully,

Commissioner in Charge.

Registered

Wahkago, Indian Territory, May 14, 1908.

J. O. Peel,

Hosena, Texas.

Dear Sir:

You are hereby advised that, at the office of the Commission to the Five Civilized Tribes at Afton, Indian Territory, on Wednesday, May 20th, 1908, at 1 o'clock P.M., the Commission will hear the testimony of such witnesses as may be presented relative to the rights to enrollment of Georgia Gannett and her children as citizens by blood of the Cherokee Nation.

Respectfully,

Commissioner in Charge.

Registered

Muskogee, Indian Territory, May 14, 1903.

J. O. Pool,

Durant, Indian Territory.

Dear Sir:

You are hereby advised that at the office of the Commission to the Five Civilized Tribes at Atoka, Indian Territory, on Wednesday, May 20th, 1903, at 1 o'clock, P.M., the Commission will hear the testimony of such witnesses as may be presented relative to the rights to enrollment of Georgia Kennedy and her children as citizens by blood of the Choctaw Nation.

Respectfully,

Commissioner in Charge.

Registered

Choctaw 5644

Muskogee, Indian Territory, May 18, 1903.

Georgia Cannedy,

South McAlester, Indian Territory,

Dear Madam:

You are hereby notified that, in accordance with request of the attorneys for the Choctaw and Chickasaw Nations, the date heretofore set for the hearing of witnesses in your case, May 20, 1903, notice of which was forwarded you by registered mail on May 14, 1903, has been changed, and on May 26, 1903, at one o'clock P. M. at the office of the Commission at Atoka, Indian Territory, the Commission will hear the testimony of such witnesses as may be presented relative to the rights to enrollment of Georgia Cannedy and her children as citizens by blood of the Choctaw nation.

Respectfully,

Chairman.

Registered.

Choctaw 5644.

Muskogee, Indian Territory, May 25, 1903.

Mansfield, McMurray & Cornish,

South McAlester, Indian Territory.

Gentlemen:

In compliance with your telegraphic request of May 24, there is inclosed you herewith copy of the testimony of William Ansley in the matter of the application of Georgia Cannedy, et al. for enrollment as citizens by blood of the Choctaw Nation, taken at South McAlester, Indian Territory, December 24, 1902.

Respectfully,

Commissioner in Charge.

AB 2-25

Choctaw 5544.

Muskegee, Indian Territory, June 1, 1903.

J. O. Pool,

Attorney at Law,

South McAlester, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 27,
inclosing exceptions to motion filed by the Attorneys for the Choctaw
and Chickasaw Nations in the matter of the application of Georgia
Cannedy, et al. for enrollment as citizens by blood of the Choctaw
Nation, and the same have been filed with the record in this case.

Respectfully,

Commissioner in Charge.

Choctaw 5444

Muskogee, Indian Territory, June 2, 1903.

Manfield, McMurray & Cornish,

South McAlester, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of May 27, in which you request to be furnished with a copy of the testimony taken at Atoka, Indian Territory, May 26, 1903, in the matter of the application for enrollment as citizens of the Choctaw Nation of Georgia Canned, et al.

In compliance with your request, there is inclosed you herewith a transcript of the procedure had before the Commission to the Five Civilized Tribes at Atoka, Indian Territory, May 26, 1903, in the matter of the application for enrollment as citizens of the Choctaw Nation of Georgia Canned, et al., together with receipt therefor, which kindly sign and return to this office.

Respectfully,

Commissioner in Charge

43 2-3

Choctaw 5644

Muskogee, Indian Territory, June 2, 1903.

J. O. Pool,

Attorney at Law,
South McAlester, Indian Territory,

Dear Sir:

There is inclosed you herewith a copy of the transcript of proceedings had before the Commission to the Five Civilized Tribes at Atoka, Indian Territory, May 26, 1903, in the matter of the application for enrollment as citizens of the Choctaw Nation of Georgia Gannedy, et al., together with receipt therefor, which kindly sign and return to this office.

Respectfully,

Commissioner in Charge.

AB 9-2

Choctaw 5614

Muskogee, Indian Territory, July 2, 1903.

J. O. Pool,
Attorney at Law,
Mocona, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 9,
inclosing brief of applicant in the matter of the application of
Georgia Cannedy, et al. for enrollment as citizens by blood of the
Choctaw Nation, and the same has been filed with the record in this
case.

Respectfully,

Commissioner in Charge.

Form No. 200.

THE WESTERN UNION TELEGRAPH COMPANY.

21,000 OFFICES IN AMERICA. CABLE SERVICE TO ALL THE WORLD.

ROBERT C. CLOWRY, President and General Manager.

Receiver's No.

Time Filed

Check

Government collect

SEND the following message subject to the terms
on back hereof, which are hereby agreed to.

Muskogee, Ind. Ter.
July 23, 1903.

Manfield, Murray & Cornish,

South McAlester, Indian Territory.

Replying your telegram even date Georgia
Kennedy appears on our records full blood Choctaw.

Needles,

Commissioner in Charge.

O B G R

READ THE NOTICE AND AGREEMENT ON BACK. 21

THE WESTERN UNION TELEGRAPH COMPANY.

Received at 128 P M July 23, 1903

Dated South McAlester

To Commission to the Five Civilized Tribes

Muskogee, I.T.

Please examine Card upon which name of Georgia Cannady
applicant for Choctaw Citizenship appears and advise us
what it shows as to her degree of Choctaw blood please
answer.

Mansfield, McMurray & Cornish.

7-5644

Muskogee, Indian Territory July 23, 1903.

Mansfield, McMurray & Cornish,
Attorneys at Law,
South McAlester, Indian Territory.

Gentlemen:

Referring to your telegram of July 23, asking to be advised the amount of Choctaw blood possessed by Georgia Gannedy, as shown by the card upon which her name appears. On this date you were advised by wire:

"Referring your telegram even date Georgia Gannedy appears on our records full blood Choctaw."

You are further advised that the testimony of Georgia Gannedy, taken in the matter of her application for the enrollment of herself and her children as citizens by blood of the Choctaw Nation, shows that her father was a full blood Choctaw Indian and her mother was also an Indian, but that she was unable to say whether she belonged to the Choctaw or Chickasaw tribe, and did not know the degree of blood possessed by her.

Respectfully,

Commissioner in Charge.

7-5644

Muskogee, Indian Territory, August 5, 1903.

Commissioner in Charge,
Choctaw Land Office,
Atoka, Indian Territory.

Dear Sir:

You are hereby notified that the following notation has
this day been made upon original Choctaw enrollment card, No. 3644:

"Protest of Choctaw Nation, filed April 15, 1903.
Record forwarded Secretary of Interior Aug. 6, 1903."

You are therefore, requested to make like notation upon
the duplicate card in your possession in accordance with the above
information.

Please make above notation with red ink.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, February 6, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

On February 25, 1903, the Commission, in the matter of the application for the enrollment of Georgia Cannedy and her children, Charles Thompson, Beulah Thompson, Earl Cannedy, Roy Cannedy and Irma Cannedy, as citizens by blood of the Choctaw Nation, rendered a decision granting said application, and on the same day notified the principal applicant and the attorneys for the applicants of the action of the Commission in said case, and advised the attorneys for the Choctaw and Chickasaw Nations that they would be allowed fifteen days from the date of the rendition of such decision within which to file with the Commission such protest as they desired to make against the action of the Commission in enrolling the applicants enumerated in such decision.

No protest against the action of the Commission in enrolling said applicants was filed by the attorneys for the Choctaw and Chickasaw Nations within the time specified; but, under date of March 21, 1903, the attorneys for the Choctaw and Chickasaw Nations did file such protest with the Commission, and the Commission, under date of March 24, 1903, in view of the fact that the fifteen days

Secretary 2

granted in this case had expired and that no proof of service of a copy of the notice of protest upon the applicants in this case had been filed, returned the protest to the attorneys for the Choctaw and Chickasaw Nations.

On March 28, 1903, the Commission transmitted to the Department a schedule in quintuplicate of citizens by blood of the Choctaw Nation, numbers 14471 to 14880, inclusive, found by the Commission to be entitled to enrollment, as provided by the act of Congress approved July 1, 1902 (32 Stat., 641), and the names of the applicants, Georgia Cannedy, Charles Thompson, Poulah Thompson, Earl Cannedy, Ray Cannedy and Irma Cannedy, were included in said schedule and were numbered thereon 14875, 14876, 14877, 14878, 14879 and 14880, respectively.

Under date of April 11, 1903 (I. T. D. 3686-1903), the Honorable Secretary of the Interior notified the Commission that it was not deemed advisable to approve the schedule of citizens by blood of the Choctaw Nation, forwarded the Department on March 28, 1903, until the rights of the applicants numbered 14875 to 14880, inclusive, were finally determined, and instructed the Commission to allow the attorneys for the Choctaw and Chickasaw Nations a reasonable time within which to present any evidence they might have tending to show that said parties were not entitled to enrollment as citizens of the Choctaw Nation, and that the applicants

Secretary 3

should be given an opportunity to be present and should be permitted to examine any and all witnesses who should appear on behalf of the Choctaw Nation; and in accordance with said departmental instructions, the Commission, under date of April 27, 1903, advised the attorneys for the Choctaw and Chickasaw Nations that they would be allowed thirty days from that date within which to present to this Commission for the consideration of the Secretary of the Interior the testimony of such witnesses, together with argument, and to take such other action as they might desire against the enrollment by the Commission of Georgia Cannedy, Charles Thompson, Beulah Thompson, Earl Cannedy, Roy Cannedy and Irma Cannedy, but that, however, the Commission would require, before the reception of any evidence of this character, that proof of service of notice of the taking of such testimony on Georgia Cannedy be filed with this Commission. On the same day Georgia Cannedy, the principal applicant in this case, was also notified of the action of the Commission under said departmental instructions of April 11, 1903.

On May 26, 1903, at Atoka, Indian Territory, and on July 13, 1903, at Muskogee, Indian Territory, further proceedings were had in this case, and on August 6, 1903, the original record in this case, together with the decision of the Commission of February 25, 1903, granting the application for the enrollment of Georgia Cannedy, et al., as citizens by blood of the Choctaw Nation,

Secretary 4

and the record of the proceedings had subsequent to the rendition of said decision, in accordance with said departmental letter of April 11, 1903, were forwarded the Department, without recommendation. The principal applicant, the attorney for the applicants and the attorneys for the Choctaw and Chickasaw Nations were notified on the same day of the action of the Commission in transmitting the record in this case to the Department.

The Commission is now in receipt of a request by the attorneys for the Choctaw and Chickasaw Nations, on behalf of said nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Mattie Lee Armstrong, et al., vs. Choctaw and Chickasaw Nations, No. 59 on the Tishomingo Docket.

Said request is transmitted herewith.

Respectfully,

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.
1 inclosure (W. F. 7-5844)

Choctaw 5644.

Muskegee, Indian Territory, February 6, 1904.

Georgia Cannedy,

McAlester, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of yourself and your children, Charles Thompson, Beulah Thompson, Earl Cannedy, Roy Cannedy and Irma Cannedy, as citizens by blood of the Choctaw Nation, there was transmitted this day through the Commission to the Honorable Secretary of the Interior a request by the attorneys for the Choctaw and Chickasaw Nations that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Mattie Lee Armstrong, et al., vs. Choctaw and Chickasaw Nations, No. 59 on the Tishomingo Docket.

Respectfully,

Commissioner in Charge.

Choctaw 5644

Muskogee, Indian Territory. May 9, 1904.

The Commissioner
of Indian Affairs:

Sir:

Receipt is hereby acknowledged of Indian Office letter of April 27, 1904, wherein the Commission is requested to advise your office whether the names of the parents of Georgia Cannedy, to wit: Augustus and Tennessee Wallace, appear on any of the rolls of the Choctaw or Chickasaw Nation in the possession of the Commission.

Reporting in this matter I have the honor to advise that the names of Augustus Wallace and Tennessee Wallace, father and mother of Georgia Cannedy, are not found on any of the tribal rolls of the Choctaw or Chickasaw Nation in the possession of the Commission. I have further to report that the name of Georgia Cannedy and her children, Charles Thompson, Beulah Thompson, Karl Cannedy and Roy Cannedy, are found upon the 1893 Leased District Payment Roll of the Choctaw Nation, Tobacco County.

Respectfully,

Chairman.

7-D-1812

Muskogee, Indian Territory, September 14, 1904.

John D. Taliaferro,

Leon, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 7th inst., requesting information relative to your application for enrollment as an intermarried citizen of the Choctaw Nation.

You are informed that the Commission has not yet passed upon your application for enrollment as an intermarried citizen of the Choctaw Nation. As soon as a decision is reached in your case, which it is believed will be in the near future, you will be duly notified of the action taken therein.

Respectfully,

Chairman.

Choctaw 5644

Muskogee, Indian Territory, March 2, 1905.

C. B. Williams,

South McAlester, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of February 23, asking what is delaying the approval of the enrollment of Mrs. G. A. Cannedy and her children.

In reply to your letter you are informed that the names of Georgia A. Cannedy and her five children have been placed upon a schedule of citizens by blood of the Choctaw Nation which has been forwarded the Secretary of the Interior for approval but the Commission has not yet been notified of Departmental action thereon. She will be advised when her enrollment is approved by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Choctaw 5644

Muskogee, Indian Territory, March 7, 1905.

C. B. Williams,

Attorney at Law,

South McAlester, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 4, referring to our letter of March 3 advising you that the Commission has not been informed of the approval of the enrollment of Mrs. Georgia Cannedy and her children by the Secretary of the Interior, in which you call attention to a letter written to Georgia Cannedy on December 17, 1904, and signed by the Chairman of the Commission in which she is advised that the Secretary of the Interior, on December 6, 1904, affirmed the decision of the Commission of February 25, 1903 granting her application for the enrollment of herself and her children as citizens of the Choctaw Nation.

You state that you believe, in view of the latter statement, there is a mistake somewhere, and you ask to be fully advised as Mrs. Cannedy is anxious to select her allotment.

In reply to your letter you are advised that it is true that on December 6, 1904, the Secretary of the Interior affirmed the decision of the Commission of February 25, 1903, granting the application for the enrollment of Georgia Cannedy and her minor children.

C B W 2

Her name and the names of her children named in the decision were then placed upon a schedule of citizens by blood of the Choctaw Nation constituting a part of the final roll of the citizens of said Nation, which has now been forwarded the Secretary of the Interior for approval, but the Commission has not yet been advised of Departmental action upon the schedule above referred to, and until the enrollment of Mrs. Kennedy and her children is approved by the Secretary of the Interior no selections of allotment may be made in their behalf.

Respectfully,

Commissioner in Charge.

7-5644

Muskogee, Indian Territory, February 12, 1906.

Charles E. Gould,
Shawnee, Oklahoma.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Beulah
Thompson and T. D. Rowland, to the birth of Ruth Gould, August 26,
1905.

You are advised that under existing legislation there is
no provision for the enrollment of children of citizens of the
Choctaw and Chickasaw Nations subsequent to March 4, 1905.

Respectfully,

Acting Commissioner.

Received of the Commission to the Five Civilized Tribes
one copy of the transcript of proceedings had before the Commission
to the Five Civilized Tribes at Atoka, Indian Territory, May 26, 1903,
in the matter of the application for enrollment as citizens by blood
of the Choctaw Nation of Georgia, Cannedy, et al.

Muskogee, Indian Territory,
June 2, 1903.

Wayland M. Mornay Cornish

Ray banned by lhr Roll 15808
 60m Record

lele 5644

" 10181

Int 4/5/02 12/4/02 7/13/03 5/26/03 no date

Letters 8/18/00 11/22/00 4/1/01 4/17/01

3/18/00 4/21/02 5/22/02 6/12/02

7/18/02 4/25/03 3/24/03 4/23/03

(4. 5/14/03) 5/18/03 5/23/03 6/1/03

(3 - 6/2/03) 7/23/03 8/5/03 2/6/04

4/6/04 5/9/04 9/14/04 3/2/05 3/7/05

Dec 2/5/03

Statement 7/3/03 - Receipt

- Telegrams

Roll

100

100

1625

100

125

150

175

225

150

25

175

100

25

3225

Choc 5645

John Bowles

Trans from Choc D# 25

Mar 19, 1903

5645

COPY.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----:0:-----

In the matter of the application of John Bowles for enrollment as a citizen of the Choctaw Nation.

-----:0:-----

Ardmore, Indian Territory, November 26th, A. D., 1898.

-----:0:-----

John Bowles, being duly sworn by Commissioner Tams Bixby, on his oath, testified on behalf of the applicant as follows:

Direct Examination by Mr. Bixby:

Q Your name is John Bowles and you are an intermarried Choctaw?

A Yes sir.

Q What was the name of your Choctaw wife? A. Catherine Campbell.

Q When did you marry her? A. In '76, as near as I can recollect.

Q August 3rd, 1876? A. Yes sir.

Q How long did you live with her? A. I lived with her until 1887.

Q 1887? A. Yes sir.

Q What became of her then, did she die? A. No sir, she is still living.

Q Not living with you? A. No sir.

Q Are you divorced? A. She got a divorce.

Q She got a divorce from you? A. Yes sir, but I was not aware of it at the time.

Q You had no notice of it? A. No sir.

Q What grounds did she allege in her application for divorce?

A I don't know. I was not served with any papers.

Q Where was she when she applied for a divorce? A. She was living at home.

Q She had already left you? A. Yes sir.

Q Why did she leave you? A. We couldn't get along.

Q Why not? A. Well, she would never stay at home, she was gone all the time.

Q Did you try to get along with her? A. Yes sir.

Q Tried the best you could? A. Yes sir.

Q You thought it was your duty to make it pleasant for her?

A Yes sir.

Q What sort of effort did you make to keep her in the family?

A Provided a good home and plenty to eat and made it as pleasant as I knew how.

Q And treated her kindly? A. Yes sir.

Q She went off of her own accord? A. Yes sir, that is she would be gone three or four days at a time.

Q And finally left you without any particular reason? A. Finally I just told her that she could take the place and everything and we would mutually agree to separate.

Q Then it was a mutual agreement in the first place? A. Yes sir, I couldn't live with her any longer.

Q Voluntary on your part? A. Certainly, I got out voluntarily.

Q You gave her what property you had? A. Yes sir.

Q All of it? A. I had a place that was under lease. With the exception of that and two horses I left her the balance. There was a farm of about three hundred acres, thirty-five or forty head of cattle, eight or nine head of horses and some harness.

Q Where is this woman now? A. She is living on the same place yet.

Q What is her name now? A. Burnett.

Q Her first name? A. Kitty .

Q Kitty Burnett? A. Yes sir.

Q Her Post Office address? A. White Bead.

Q White Bead? A. Yes sir.

Q Do you think of anything else in connection with this matter that you would like to state? A. Nothing further.

By Commissioner A. S. McKennon:

Q You say you don't know the grounds of divorce that she alleged against you? A. No sir.

Q Never felt enough concern in that matter to investigate and know the grounds? A. She had already got a divorce, and I knew nothing further than that. I just heard she got a divorce and was remarried afterwards.

Q You never felt enough interest to investigate and learn the grounds upon which she secured the divorce? A. No sir.

By Commissioner Tams Bixby:

Q You didn't care whether she alleged ill treatment, abandonment or adultery? A. After she had got the divorce I didn't suppose it made any difference.

Q The fact is you were indifferent about it? A. I couldn't live with her any longer.

Q On your own account? A. Yes sir. I didn't expect to marry myself.

Q You didn't care whether you was charged with adultery or not?

Q I was so well known in the country that it didn't make any difference.

Q Knew you wouldn't do anything of the kind? A. I have lived there thirty-five years and I have never been arrested. People know what kind of a man I am. I am not any angel or anything of that kind, but I have never been charged with theft or anything of that

kind.

(The above testimony is to be attached to card D.25)

(COPY)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

John Beles, Purcell.)	
vs)	No. 893
Choctaw Nation.)	

Fort Smith, Ark. December 2d, 1896.

Sir:-

In compliance with the provisions of the Act of Congress, Approved June 10th, 1896, the Commission to the Five Civilized Tribes has considered this application, with proof, and the same has been granted by the Commission.

Respectfully,

H. M. Jaboway, Jr.,

Secretary.

Case 893 admitted- John Bowles

No appeal.

MARRIAGE RECORD FOR 1876.

Marriage Certificate of John Bowles And Katherine Campbell:

This is certifies that I this day, August 3rd, 1876, did solemnize the Rites of Matrimony Between John Bowles and Katherine Campbell. Given under my hand and seal this this 3rd, day of August 1876.

W. G. Davis, P.E.

Paula Valley Dist. Indian
Mission Conference, M. E.
Church South.

I hereby certify that the above certificate is a correct copy of original handed me for Record. This Oct. 22d, 1876.

A. H. Law, County Clerk P. C. C. N.

I hereby certify that the above is a correct copy of original. This 18th day of August A. D. 1896.

Guy Keel,
County Clerk, Pickens
County, Chickasaw Nation.

(SEAL)

Department of the Interior
Commission to the Five Civilized Tribes
Pauls Valley I.T. October 21, 1902.

Choctaw D-25.

In the matter of the application for enrollment as a citizen by
intermarriage of the Choctaw Nation of John Bowles.

John Bowles being first duly sworn testified:

Examination by the Commission

- Q What is your name? A John Bowles.
Q What is your age? A Fifty-six.
Q What is your post office address? A Purcell, I.T.
Q How long have you lived in the Chickasaw Nation? A About thirty-seven years.
Q Have you lived here continuously for the past thirty-seven years?
A With the exception of about two years '69 and '70 I did not live here.
Q With the exception of these two years you have lived here continuously for the past thirty-seven years? A Yes, sir.
Q You are a white man and an applicant for enrollment as a citizen by intermarriage of the Choctaw Nation? A Yes, sir.
Q What is the name of your Choctaw wife through whom you claim your right to enrollment? A Catherine Campbell.
Q Is she living at this time? A The last time I heard of her she was living. I have not heard of her for four or five years.
Q When were you married to her? A August '76.
Q Where? A Whitehead Hill--Chickasaw Nation.
Q Where did she live when you married her? A At Whitehead.
Q How long had she lived in the Chickasaw Nation when you married her? A Of my know edge about three or four years.
Q Did you obtain a Chickasaw license to marry her? A I was married by a Missionary Preacher, I suppose it was alright at that time. The marriage certificate was recorded.
Q You did not buy a license? A There was no license at that time?
Q Had you ever been married before your marriage to her? A No, sir.
Q Had she ever been married before her marriage to you? A Not that I know of.
Q How long did you live together as husband and wife? A We was married in '76 and it was '87 when we separated.
Q During that period of time you lived together continuously as husband and wife? A Yes, sir.
Q Were you divorced? A She got a divorce, I did not.
Q In a Chickasaw Court? A Yes, sir.
Q You know the grounds she alleged in her petition for the divorce?
A No, sir.
Q When did she get that divorce? A I could not tell what year it was; it might have been two or three years after we separated; She had applied for a divorce but there had been a time that they did not have a competent Court, for a long time.
Q Did you enter any appearance in the divorce suit? A No, sir.
Q You had notice of the institution of the divorce proceedings prior to the granting of the decree of divorce? A No, sir.
Q Did not? A No, sir.
Q How long was it after the decrees was granted that you knew that she had made application for a divorce? A Only by common rumor at any time.

#2

- Q How long was it? A About two month, ---month or two.
- Q Have you ever married since this separation? A No, sir.
- Q You applied to the Commission to the Five Civilized Tribes in 1896 to be admitted as an intermarried citizen of the Choctaw Nation? A Yes, sir.
- Q What was the result of that application? A I was admitted.
- Q At the time you made that application in 1896 you knew that this woman had obtained a divorce from you? A I could not say that I did; I presumed so; if she had the divorce at that time I presume I knew it.
- Q She had had the divorce for several years at that time according to your own testimony? A I think not.
- Q You separated in when? A '87 and it might have been two or three years until she got the divorce; that would probably make it about ninety.
- Q You certainly knew in '96 that this woman had obtained a divorce from you? A Yes, sir; I certainly did.
- Q Did you state that in your petition in 1896? A I don't know.
- Q You did not make that known to the Commission at all? A I presume if they asked me the question I did.
- Q At that time you filed a written application? A Yes, sir.
- Q Did not appear before the Commission personally? A No, sir.
- Q In that written petition you did not make known the fact that you were divorced from this Choctaw woman? A It has been so long I have forgotten.
- Q You have been a bonafide resident of the Chickasaw Nation ever since your admission in 1896 as an intermarried citizen of the Choctaw? A Yes, sir.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above and foregoing cause on October 21, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Subscribed and sworn to before me this 20 day of November 1902.

Charles H. Sawyer
Notary Public.

Went

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Edw.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
John Bowles as a citizen by intermarriage of the Choctaw Nation.

--- DECISION ---

It appears from the census card record in this case that John Bowles appeared before the Commission at Pauls Valley, Indian Territory on September 16, 1898, and made personal application for enrollment as a citizen by intermarriage of the Choctaw Nation. Further proceedings were had in the matter of this application at Ardmore, Indian Territory, on November 20, 1898, and at Pauls Valley, Indian Territory, on October 21, 1902.

It further appears from the records in the possession of the Commission that on September 9, 1896, in the case entitled "John Bowles vs. the Choctaw Nation" (1896 Choctaw Docket C, No. 893), the applicant herein made original application to this Commission under the provisions of the act of Congress approved June 10, 1896 (29 Stats 321), for admission to citizenship in the Choctaw Nation, claiming his right thereto by virtue of his marriage with Katherine Bowles, a recognized and enrolled citizen by blood of the Choctaw Nation, and on December 4, 1896, the said John Bowles was by this Commission admitted to citizenship in the Choctaw Nation as a citizen by intermarriage, from which decision of the Commission no appeal was taken.

On an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission the name of John Bowles (as John Bowels) is identified on the 1896 Choctaw census roll, page 382, No. 14,356, as a citizen by intermarriage.

The evidence in this case further shows that on June 28, 1898, the applicant, John Bowles, had been a resident in good faith of Indian Territory for more than twenty years, and that his status as an intermarried citizen remained unchanged from the time of his said admission in 1896 up to and including September 25, 1902.

It is therefore the opinion of this Commission that John Bowles should be enrolled as a citizen by intermarriage of the Choctaw Nation in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

[Signature]
Acting Chairman.

[Signature]
Commissioner.

C. R. Buckinridge
Commissioner.

Muskogee, Indian Territory,

MAY 3 1903

COPY.

Washogee, Indian Territory, November 1, 1900.

John Bowles,

Purcell, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 28th instant in which you state that when the Commission was at Pauls Valley two years ago you made application for enrollment as a member of the Choctaw tribe of Indians. That subsequently thereto you appeared before the Commission at Ardmore in answer to a notice and further testimony was taken as to your application. Since that time you have had no further notice as to any action taken by the Commission on your application.

You now state that you desire to purchase and develop some land in the Chickasaw Nation and before so doing would like to be informed whether or not your application for enrollment as a Choctaw, has been passed upon by the Commission.

You are informed that the records of this Commission show that on September 16th, 1898, John Bowles, 52 years of age, of Purcell, Indian Territory, was listed for enrollment by this Commission as a doubtful claimant to intermarried citizenship in the Choctaw Nation and presented in evidence the marriage certificate between John Bowles and Catherine Campbell, of the 13th day of August, 1878. That subsequently thereto, on November 26th, 1898, John Bowles appeared before the Commission at Ardmore, Indian Territory and there gave additional testimony.

The records of the Commission further show that John Bowles under the act of Congress of June 10th, 1892, made application to this Commission for admission as an intermarried citizen of the Choctaw Nation, his original application being filed September 8th, 1896 and the answer of the Choctaw Nation was filed thereto and on December 4th, 1896, the Commission admitted John Bowles as an intermarried citizen of the Choctaw Nation. There is no record of any appeal having been taken from the decision of the Commission by the Choctaw Nation in the time prescribed by law and such action of the Commission became final.

Yours truly,

SIGNED *James Birby.*

Acting Chairman.

COPY

Muskogee, Indian Territory, March 2, 1901.

Wanfield, Murray & Cornish,
Attorneys at Law,
South McAlester, Indian Territory.
Gentlemen:

Receipt is hereby acknowledged of your letter of the 2nd instant, in which you desire to be informed if John Bowles has been listed for enrollment as a citizen by intermarriage of either the Choctaw or Chickasaw Nations; and, if so, that you be furnished with the number of the card upon which his name appears, and his post office address as the same appears of record.

We have to inform you that it appears from our records that on September 16, 1898, John Bowles, thirty-two years of age, appeared before the Commission and made application for enrollment as a citizen by intermarriage of the Choctaw Nation; his post office address, as given at that time, was Farwell, Indian Territory.

It further appears from our records that John Bowles was admitted as an intermarried citizen of the Choctaw Nation by the Commission to the Five Civilized Tribes, under the Act of Congress of June 10, 1898, in Choctaw case number 893.

It further appears from our records that John Bowles was married to Catherine S. Barnett, a Choctaw Indian, on August 3, 1896, and separated from her in 1897, and that she obtained a divorce. The facts of the separation and of the divorce are not set forth in the original application made to this Commission under

W.A.A. 4, 1940.

the act of Congress of June 18, 1938.

The card of this application was received by the
roll card field number 2-22.

Yours truly,

SIGNED *Wanda Birney*

Living Chairman

1-2-25.

COPY.

7-D-25

~~7-8-44~~

7-4999

Muskogee, Indian Territory, August 30, 1903.

C. B. Bowles,

Marietta, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 13th instant, requesting information as to the enrollment of the Bowles and Segroves families as Indian citizens, and also requesting information as to how much land a citizen is entitled to hold.

In reply you are advised that the records of the Commission show that on September 16, 1898, John Bowles, fifty-two years of age, of Purcell, Indian Territory, made application to the Commission for enrollment as an intermarried citizen of the Choctaw Nation, having been admitted to such citizenship by the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896, Choctaw citizenship case No. 893.

No other persons by the name of Bowles appear among the records of the Commission as applicants for enrollment as citizens of either the Choctaw or Chickasaw Nations.

It further appears that on September 14, 1898, Thomas W. Segroves, his wife, Elizabeth Segroves, and their seven minor children, James B., Charley W., George F., Dee Thomas, William O., Sedge-

7-5-25

G. B. B., 2.

ariah and Paralee Segroves, made application to the Commission for enrollment as citizens of the Choctaw Nation, having been admitted to such citizenship by a judgment of the United States Court for the Southern District of Indian Territory, under the act of Congress of June 10, 1896, in Court case No. 118. Subsequently application was made for the enrollment of Louise Segroves, Ethel L. Segroves and Dorothy May Segroves.

The Commission has not taken any final action in the applications of these persons for enrollment as citizens of the Choctaw Nation, but it is probable that the same will be taken up for consideration at an early date, at which time they will be informed of the decision of the Commission and of the forwarding of the record to the Secretary of the Interior for review.

Section eleven of the act of Congress approved July 1, 1902, entitled

"An Act To ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes"

provides as follows:

C. F. B., S.

"There shall be allotted to each member of the Choctaw and Chickasaw tribes, as soon as practicable after the approval by the Secretary of the Interior of his enrollment as herein provided, land equal in value to three hundred and twenty acres of the average allottable land of the Choctaw and Chickasaw Nations,....."

This agreement is to be voted upon by the legal voters of the Choctaw and Chickasaw nations at a special election to be held for that purpose on September 25, 1902.

A copy of said agreement is enclosed for your information.

Yours truly,

SIGNED *Tams Bixby.*

Acting Chairman.

Enclosure.
Choctaw-Chickasaw
Supplemental Agreement.

Muskegee, Indian Territory, March 3, 1903.

John Bowles,
Purcell, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission rendered March 3, 1903, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed the name of the applicant will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tamc Bixby.

Chairman.

Registered.

Enc. I.B.S. 7-8

30-47
7
Choctaw D-25

Muskogee, Indian Territory, March 3, 1903.

Mansfield, McMurray & Gernish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission rendered March 3, 1903, granting the application made by John Bowles for enrollment as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed the name of the applicant will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED).

T. B. Bixby.
Chairman.

Registered.

Enc. I.B.S. 7-b

COPY.

Chestaw-5645

Muskogee, Indian Territory, February 6, 1904.

Mr. John Bowles,

Purcell, Indian Territory.

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Chestaw and Chickasaw Nations, dated January 23, 1904, no further action will be taken in connection with the allotment of lands of the Chestaw-Chickasaw Nations to you until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

SIGNED *T. B. Needles*

Commissioner in Charge.

COPY.

Choctaw 5645

Muskogee, Indian Territory, February 25, 1904.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

On February 6, 1904, you filed with this Commission a request, under date of January 23, 1904, in the matter of the application of John Bowles for enrollment as a citizen by intermarriage of the Choctaw nation that no further action be taken in connection with allotment of lands to this person until the final action by the Choctaw and Chickasaw citizenship Court in the case of Preston Early, et al. versus the Choctaw and Chickasaw nations, Number 64 on the South McAlester Docket, in which the said court will decide the question of the citizenship rights by intermarriage, if any, of those white persons who intermarried with citizens by blood of the Choctaw Nation not in accordance with the tribal laws, which, you allege, is the question involved in the case of John Bowles.

The Commission is now in receipt of a communication from J. W. Hocker, attorney at law, of Purcell, Indian Territory, wherein he incloses a motion "that the Attorneys for the Chickasaw and Choctaw nations be required to make their specifications more definite and certain and in compliance with the order of the Commission and the

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Honorable Secretary of the Interior, in that the charges shall be 'specific' to the end that claimant may advisedly defend the same, and in the event of a failure so to do that the order suspending further proceedings toward allotment of lands to claimant, be vacated set aside and held for naught, and said allotment proceed in the regular order."

A copy of said motion is herewith transmitted and you are advised that you will be allowed ten days from the date hereof within which to file with this Commission such answer as you desire to present, before further action will be taken upon the motion as submitted by Mr. Hocker.

Respectfully,

SIGNED *T.B. Needles*

Commissioner in Charge.

AB 2-25

COPY.

Choctaw 5645

Muskogee, Indian Territory, February 25, 1904.

J. W. Hocker,

Attorney at Law,

Purcell, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the eighteenth instant inclosing your motion in the matter of the application of John Bowles for enrollment as a citizen by intermarriage of the Choctaw nation that the attorneys for the Choctaw and Chickasaw Nations be required to make more definite and certain their protest of January 23, 1904 filed by them in this case under the authority granted by the Secretary of the Interior in his communication of November 18, 1903.

In reply to your letter you are advised that in accordance with your request the attorneys for the Choctaw and Chickasaw Nations have this day been furnished with a copy of your motion and the disposition thereof will receive the consideration of the Commission at the earliest practicable date. You will be duly advised of such action as may be taken thereon.

Respectfully,

SIGNED *T. B. Needles*

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, March 9, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

On March 3, 1903, in the matter of the application of John Howles for enrollment as a citizen by intermarriage of the Choctaw Nation, the Commission rendered a decision enrolling the applicant as a citizen by intermarriage of the Choctaw Nation. On the same date a copy of the decision was furnished Messrs. Mansfield, McMurray & Gernish, the attorneys for the Choctaw and Chickasaw Nations and they were advised that they would be allowed fifteen days from the date thereof within which to file protest against the action of the Commission in enrolling the applicant as a citizen of the Choctaw Nation, and if, at the expiration of that time no protest was filed, the name of the applicant would be placed upon the final roll of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

No protest was filed by the Attorneys for the Choctaw Nation, within the fifteen days specified, and on May 28, 1903, the Commission transmitted a schedule of citizens by intermarriage of the Choctaw Nation, Numbers 1 to 208, inclusive, the name of John

Dewles appearing thereon opposite Number 54. This schedule was approved by the Secretary of the Interior June 13, 1903.

John Dewles subsequently, and on September 3, 1903, appeared before the Chickasaw Land Office of the commission at Tishomingo, Indian Territory, and there selected as his allotment of the land of the Choctaw and Chickasaw Nations the following described land:

Homesteads

W/2 of NE/4 of SE/4 and W/2 of SE/4 of Section 34, T 7 N R 2 W.

Exclusive of Homesteads

N/2 of NE/4 of SE/4, SE/4 of SE/4 of Section 34 and SW/4 of SW/4 of Section 35 T 7 N R 2 W, the total selection amounting to 200 acres, appraised for the purpose of allotment at \$1040.00.

On February 4, 1904, Messrs. Mansfield, McFarrey & Corvish, the attorneys for the Choctaw and Chickasaw Nations, under the authority granted by the Secretary of the Interior, in his communication to the Commission to the Five Civilized Tribes of November 18, 1903, (I.T.D. 7222-1903) filed with the Commission a request dated January 23, 1904, that no further action be taken in connection with the allotment of lands to John Dewles, until

"final decision by the Choctaw and Chickasaw Citizenship Court in the case of Preston Early, et al., vs. Choctaw and Chickasaw Nations, No. 64 on the ninth Hallett's Record, in which the said court will decide the question of the citizenship rights by intermarriage, if any, of those white persons who intermarried with citizens by blood of the Choctaw Nation not in accordance with the tribal laws, which question is involved in the case to which this communication refers."

On February 6, 1904, Mr. Bowles was advised of the filing of this request by the attorneys for the Choctaw and Chickasaw Nations and that no further action would be taken in connection with the allotment of the lands of the Choctaw and Chickasaw Nations until the Commission was further instructed by the Secretary of the Interior.

On February 18, 1904, J. W. Hecker, attorney at law, of Purcell, Indian Territory, transmitted to the Commission a motion in the case of John Bowles praying

"that the Attorneys for the Chickasaw and Choctaw Nations be required to make their specifications more definite and certain and in compliance with the order of the Commission and the Honorable secretary of Interior, in that the charges shall be 'specific', to the end that claimant may advisedly defend the same, and in the event of a failure so to do that the order suspending further proceedings toward allotment of lands to claimant, be vacated set aside and held for naught, and said allotment proceed in the regular order."

Accompanying this motion was the affidavit of J. W. Hecker and a copy of the memorandum of argument of the attorneys for the Choctaw and Chickasaw Nations in the case of Nora P. Lewis, et al. versus the Choctaw and Chickasaw Nations, Number 55 on the South McAlester Docket of said court. The motion and affidavit of Mr. Hecker were furnished in duplicate with the request that the attorneys for the Nations be furnished copy thereof and that they be required to specify the ground relied upon to set aside the decision of the Commission enrolling John Bowles as a citizen by intermarriage of the Choctaw Nation.

On February 25, 1904, Messrs. Mansfield, McMurray & Cornish were furnished a copy of the motion of Mr. Hooker and were advised that they would be allowed ten days from the date thereof to file with the Commission such answer as they desired to present before further action would be taken upon the motion as submitted by Mr. Hooker.

The Commission is now in receipt of a letter from Messrs. Mansfield, McMurray & Cornish, of March 1, 1904, in which they state as follows:

"We have not considered and do not now consider that the subject is one in connection with which a motion by the applicant, for any purpose, is proper to be considered. We have, in this case, as in many other cases, filed a 'request' for postponement of action, under authority granted by the Honorable Secretary of the Interior in his letter dated November 18, 1903, with which the Commission is familiar; and in pursuance of directions therein contained the Commission has notified the applicant that further action would be postponed.

The motion filed by the attorney for the applicant states that 'specifications filed against claimant in this cause are so indefinite and uncertain that it cannot be ascertained what the allegations of fraud consist of and what grounds for contest is relied upon.'

The 'request' which we have filed contains no 'specifications filed against claimant'. It simply asks that action be postponed until a question of law involved in a case pending before the Choctaw and Chickasaw Citizenship Court, paralleling the question of law in this case, be passed upon. The 'request' contains no 'allegations of fraud' or 'grounds for contest' and was intended to contain none.

The request speaks for itself and is a statement that the question of law in this case parallels the question of law involved in a case pending before the Choctaw and Chickasaw Citizenship Court. The 'request' has been filed in pursuance of Departmental authority; and the notification of the Commission to the applicant that action would be postponed has been made under departmental direction, all of which is contained in the said letter of the Honorable Secretary of the Interior dated November 18, 1903."

From this letter of Messrs. Mansfield, McMurray & Cornish, it is evident that Departmental communication of November 18, 1903, (I.T.D. 7322-1903) has been construed by them as prohibiting the Commission from in any manner considering or taking cognizance of any evidence or proceedings taken by applicants in those cases wherein they have filed their requests as referred to.

The Department, in its letter of November 18, 1903, advised the Commission as follows:

"As to the class of persons upon partial rolls, to be affected by the action herein, you will have the attorneys make the showing to you they deem proper, at once. In all cases of this class, when you conclude that action should be suspended and such course is taken, you will advise the claimants of your action."

I therefore have the honor to transmit the record and decision in the matter of the application of John Howles for enrollment as a citizen by intermarriage of the Choctaw Nation and the subsequent correspondence upon the protest of Messrs. Mansfield, McMurray & Cornish, herein above referred to, and the protest filed in this case, and request specific instructions from the Department as to procedure in such cases.

Mr. J. V. Becker and Messrs. Mansfield, McMurray & Cornish have today been furnished with copies of this letter for their information.

Respectfully,

Through the Commissioner
of Indian Affairs.

SIGNED *T.B. Needles*

Commissioner of Indian Affairs

COPY.

Choctaw 5648

Muskogee, Indian Territory, March 9, 1904.

J. W. Hocker,

Attorney at Law,

Purcell, Indian Territory,

Dear Sir:

In the matter of your motion in the case of John Bowles, an applicant for enrollment as a citizen by intermarriage of the Choctaw Nation, to require the attorneys for the Choctaw and Chickasaw Nations to make specific their allegations, I have today submitted the matter to the Secretary of the Interior with a letter, a copy of which is inclosed herewith for your information.

Respectfully,

SIGNED *T. B. Needles*

Commissioner in Charge.

AB 3-9

COPY.

Choctaw 5648

Muskogee, Indian Territory, March 9, 1904.

Messrs. Mansfield, McMurray & Cornish,
South McAlester, Indian Territory,
Gentlemen:

Receipt is hereby acknowledged of your letter of the seventh instant, relative to the motion filed by Mr. J. W. Hooker, of Purcell, Indian Territory, that you be required to make more definite and certain the specifications in your request filed in the matter of allotment of land to John Bowles, an intermarried citizen of the Choctaw Nation.

I have today referred this matter to the Secretary of the Interior and for your information inclose you herewith a copy of my letter to him.

Respectfully,

SIGNED *T.B. Needles*
Commissioner in Charge.

AB 2-9

D.C. 32472-1905
I. T. D. 5458-1904.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

W.C.F.
FHE.

June 28, 1905.

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Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

On March 3, 1903, you submitted the record in the matter of the application of John Bowles for enrollment as a citizen by intermarriage of the Choctaw Nation, including your decision of the same date, holding that the applicant should be enrolled.

You stated that no protest was filed by the attorneys for said Nation within the fifteen days allowed them within which to file said protest, and that on May 23, 1903, you transmitted a schedule of citizens by intermarriage including the name of John Bowles, which schedule was approved by the Department June 13, 1903; that subsequently John Bowles selected as his allotment certain land in the Choctaw Nation; that on February 6, 1904, the attorneys for the Choctaw and Chickasaw Nations, under the authority granted by departmental letter of November 18, 1902 (I. T. D. 7322-1903), filed a request that no further action be taken in connection with this allotment until final decision by the Choctaw-Chickasaw Citizenship Court in the case of Preston Early, et al.; that on February 18, 1904, the attorney for the applicant transmitted to your Commission a motion praying that the attorneys for the Nations be required to make their specifications more definite; that on March 1, 1904, the attorneys for the Nations addressed a letter to your Commission relative to the

motion filed by the attorney for the applicant, from which it appeared that said attorneys construed said departmental letter of November 18, 1903, as prohibiting your Commission from in any manner considering or taking cognizance of any evidence or proceedings taken by applicants in those cases wherein they had filed requests similar to the one filed in this case.

You requested specific instructions from the Department as to procedure in such cases.

On December 20, 1904, the Choctaw-Chickasaw Citizenship Court decided adversely to the applicants in the case of Preston Early, et al, referred to by the Attorneys for the Nations. Inasmuch as said Citizenship Court has gone out of existence, it is unnecessary at this time for the Department to do more than pass upon the specific case submitted by you.

The record shows that the applicant was admitted to citizenship by intermarriage by your Commission on December 4, 1896, under the provisions of the act of Congress of June 10, 1896, and no appeal was taken from your decision. The record also shows that the applicant was married in 1876 to Catherine Campbell; that they separated in 1887; that subsequent to their separation a divorce was obtained by the applicant's wife. The applicant stated that he could not tell the year the divorce was granted; that "it might have been two or three years after we separated." It does not appear that he has ever lived with his wife since the separation occurred. The record does not show that he was married to his wife in accordance with

the laws and customs of the Choctaw Nation.

Reporting July 2, 1904, the Indian Office recommended that the applicant's name be cancelled from the approved roll.

Your decision in the matter was rendered under a different interpretation as to the finality of your decision under the act of June 10, 1896, from that expressed by the Assistant Attorney General in his opinion approved June 19, 1905, in the Cherokee enrollment case of Thomas J. Lanley, a copy of which was forwarded to you on June 24, 1905 (I.T.D. 7492-05). The record is therefore returned and it is desired that you reconsider the case in the light of the opinion above referred to, and submit to the Department your recommendation as to whether the applicant's name should be cancelled upon the approved roll. A copy of Indian Office letter is inclosed.

Respectfully,

H. A. Hitchcock

Secretary.

2 inclosures.

COPY.

Waskagoo, Indian Territory, September 28, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

Under date of June 28, 1903 (I T D 5458-1904), the Department returned to the Commission to the Five Civilized Tribes the record in the matter of the application of John Bowles for enrollment as a citizen by intermarriage of the Choctaw Nation, including the decision of March 3, 1903, holding that the applicant was entitled and should be enrolled as a citizen by intermarriage of the Choctaw Nation.

The name of John Bowles appears upon a schedule of citizens by intermarriage of the Choctaw Nation transmitted by the Commission to the Five Civilized Tribes to the Department on May 20, 1903, opposite No. 54, which schedule was approved by the Secretary of the Interior June 13, 1903.

On February 6, 1904, the attorneys for the Choctaw and Chickasaw Nations, under the authority granted by departmental letter of November 16, 1903 (I T D 7322-1903), filed a request that no further action be taken in connection with the allotment of land to John Bowles until final decision by the Choctaw and Chickasaw citizenship court in the case of Preston Early, et al.

vs. the Choctaw and Chickasaw Nations.

On March 9, 1904, the Commission to the Five Civilized Tribes transmitted to the Department the entire record in the matter of the application for the enrollment of John Bowles as a citizen by intermarriage of the Choctaw Nation, the request of the attorneys for the Choctaw and Chickasaw Nations filed February 6, 1904, and a motion filed by J. W. Hecker as the attorney for the applicant to require the attorneys for the Choctaw and Chickasaw Nations to make their protest more specific and definite and certain in compliance with the directions of the Secretary of the Interior of November 18, 1903.

The Department in its letter of June 28, 1905, states that the Choctaw and Chickasaw citizenship court on December 20, 1904, decided adversely to the applicants in the case of Preston Early, et al., and inasmuch as said citizenship court has passed out of existence it is deemed unnecessary to do more than to pass upon the specific case of John Bowles as submitted.

The record in this case shows that the applicant was admitted as a citizen by intermarriage of the Choctaw Nation by a decision of the Commission to the Five Civilized Tribes of December 4, 1898, rendered under the Act of Congress approved June 10, 1898 (30 Stat., 321), and that no appeal was taken from said decision; that the applicant was married in 1876 to Catherine Campbell; that they separated in 1887, and that subsequent to the separation a

(3)

divorce was obtained by the applicant's wife. The applicant states in his testimony that he was unable to give the exact year the divorce was granted, but it does not appear he has ever lived with his Choctaw wife since the separation, neither does the record show that he was married to her in accordance with the tribal laws, customs and usages of the Choctaw Nation.

The Department states that the decision rendered by the Commission to the Five Civilized Tribes on March 3, 1903, granting the application for the enrollment of John Bowles as an intermarried citizen of the Choctaw Nation was rendered upon a different interpretation as to the finality of decisions under the Act of Congress approved June 10, 1896 (29 Stat., 321), from that expressed by the Assistant Attorney General in his opinion approved June 19, 1906, in the Cherokee enrollment case of Thomas J. Lasley, a copy of which was furnished the Commission to the Five Civilized Tribes with departmental letter of June 24, 1906 (I T D 7492-1905).

The Department accordingly desires that the case of John Bowles be reconsidered in the light of the opinion in the Lasley case and that there be submitted a recommendation as to whether the applicant's name should be cancelled upon the approved roll of the citizens by intermarriage of the Choctaw Nation.

(4)

Replying to departmental letter of June 28, 1908, I have the honor to report that the decision of the Commission to the Five Civilized Tribes rendered on March 3, 1908, granting the application of John Bowles for enrollment as a citizen by intermarriage of the Choctaw Nation was based entirely upon the fact that he had been admitted by said Commission under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), which decision was not appealed from.

The original petition submitted by the applicant in 1896 and which was filed with the Commission to the Five Civilized Tribes on September 9, 1896, is as follows:

"I the undersigned your petitioner respectfully make the following statement of facts constituting my grounds for citizenship in the Choctaw Nation, to-wit: My name is John Bowles 50 years of age, a resident of Purcell, Chickasaw Nation, Ind. Ter. I am a citizen of the Choctaw Nation by marriage, my wife was Katherine Campbell who was a Choctaw Indian by blood, both her father and mother being Choctaw Indians by blood. We were married at Pauls Valley Chickasaw Nation on August 3^d, 1876, by the Rev. W. O. Davis a regular ordained minister. I here enclose an affidavit of witness to corroborate my statement, and also a certified copy of my marriage certificate and County Clerk's certificate. I complied with all the laws of the Choctaw Nation in regard to non-citizens marrying in-to the said tribe of Indians. I do most respectfully ask that we be placed on the citizen-ship roll of the Choctaw Nation."

Accompanying this petition was the affidavit of W. R. Fox to the effect that the applicant John Bowles complied with all the laws of the Choctaw Nation in regard to non-citizens marrying into said tribe of Indians at the time of his marriage to Katherine

(5)

Campbell and a certified copy of the certificate of W. C. Davis to the marriage of John Bowles and Katherine Campbell on August 3, 1876.

The answer of the Choctaw Nation which was filed in this case on October 9, 1896, after the general denials of the jurisdiction of the Commission to the Five Civilized Tribes to determine the rights of applicants to citizenship under the provisions of the Act of Congress approved June 10, 1896, stated as follows:

"No copy of the Choctaw license has been filed, and the proof fails to show a marriage according to the Choctaw law. There is no evidence to show that this claim has ever been disputed by the Choctaw Nation."

Upon such evidence as was submitted the decision of the Commission to the Five Civilized Tribes of December 4, 1896, admitting John Bowles as an intermarried citizen of the Choctaw Nation was rendered. This decision was not appealed from and its finality was not questioned until the request filed by the attorneys for the Choctaw and Chickasaw Nations on February 6, 1904.

The applicant at the time of his personal appearance before the Commission to the Five Civilized Tribes at Pauls Valley, Indian Territory, on October 23, 1902, stated that he was married to Katherine Campbell in August, 1876, at Whitehead Hill, Chickasaw Nation; that such marriage was performed by a missionary preacher, and that no tribal license was obtained; that he lived with his

(6)

Choctaw wife from 1876 until 1877 when they were separated, and she subsequently obtained a divorce some two or three years after the separation.

The facts of the applicant's separation and divorce from his Choctaw wife were not recited in the petition submitted by him under the provisions of the Act of Congress approved June 10, 1896 (29 Stat., 321), and it is evidently upon the statements made by the applicant on October 21, 1902, that the record was returned for reconsideration in the light of the opinion rendered by the Assistant Attorney General for the Department of the Interior on June 19, 1906, in the Cherokee case of Thomas J. Lesley, et al.

In the Lesley case the Assistant Attorney General held that the evidence presented was sufficient to sustain a finding that the judgment rendered by the Commission to the Five Civilized Tribes under the Act of June 10, 1896, was fraudulently obtained and therefore of no force and effect.

I do not consider that this opinion is applicable in the case under consideration.

It is true that Bowles in the submission of his petition which was sworn to on August 28, 1896, omitted any reference to the separation and divorce from his Choctaw wife, and his allegations that he was married in conformity with the tribal laws, customs and usages of the Choctaw Nation were denied by the Nation in its answer of October 9, 1896.

(7)

I desire however to invite the attention of the Department to the fact that at the time the applicant's petition of September 9, 1896 for admission to citizenship in the Choctaw Nation was pending before the Commission to the Five Civilized Tribes, he had been recognized and enrolled as an intermarried citizen of the Choctaw Nation by the tribal authorities, his name being identified on the 1896 Choctaw census roll opposite No. 14356 as a citizen by intermarriage.

Reference to this enrollment was made in the decision of the Commission to the Five Civilized Tribes of March 3, 1903.

The Act of Congress approved June 10, 1896 (29 Stat., 321) provided:

"That the rolls of citizenship of the several tribes as now existing are hereby confirmed, and any person who shall claim to be entitled to be added to said rolls as a citizen of either of said tribes and whose right thereto has either been denied or not acted upon, or any citizen who may within three months from and after the passage of this act desire such citizenship, may apply to the legally constituted court or committee designated by the several tribes for such citizenship, and such court or committee shall determine such application within thirty days from the date thereof."

It was held by the Assistant Attorney General for the Department of the Interior in his opinion of March 24, 1905, in the Chickasaw case of Benjamin J. Vaughan, et al., that the Commission to the Five Civilized Tribes acting under the provisions of the Act of Congress approved June 10, 1896 (29 Stat. 321), was without authority or jurisdiction to determine the rights of any citizen

in any of the Five Civilized Tribes who had been recognized and enrolled by the tribal authorities as a member thereof. Applying this doctrine to the case under consideration the decision of the Commission to the Five Civilized Tribes rendered under the Act of 1896 granting the application of John Bowles as an intermarried citizen of the Choctaw Nation was without authority of law and the case should now be adjudicated upon its merits irrespective of such action.

Upon this theory I find that the applicant was on August 3, 1876 married by W. G. Davis to Katherine Campbell, a recognized and enrolled citizen by blood of the Choctaw Nation. This marriage was consummated in the Chickasaw Nation, at which time both the applicant and his Choctaw spouse were and had been residents of said nation for a number of years.

It is true that no license was obtained from any of the authorities of the Chickasaw Nation for the consummation of this marriage, but the position of the Commission to the Five Civilized Tribes upon the question of obtaining a tribal license in the Chickasaw Nation prior to the approval of the Act of the Chickasaw National Legislature of October 19, 1876, was fully set forth in its letter of February 17, 1903, in the Chickasaw enrollment case of Joseph Franklin Williams in which the following language was used:

(9)

"It is conclusive that prior to the intermarriage act of the Chickasaw National Legislature of October 19, 1876, there were no means provided whereby white men desiring to marry citizens by blood of either of said nations could procure or obtain a marriage license as provided by the Cheetaw Act of 1840, and that white men who had married recognized and enrolled citizens of either of said tribes prior to the passage of the Acts of 1876 in the Cheetaw Nation and 1876 in the Chickasaw Nation were recognized and enrolled by the tribal authorities as intermarried citizens of those two nations."

I am therefore firmly of the opinion that by the marriage of John Bowles to Katherine Campbell on August 3, 1876, he became an intermarried citizen of the Cheetaw Nation. As to his subsequent separation and divorce from his Cheetaw wife, the position of the Commission to the Five Civilized Tribes was well defined in its decision of March 9, 1904, in the Cheetaw enrollment case of Thornton D. Pearce which was affirmed by the Department on May 21, 1904 (I T D 4000-1904).

Upon the theory, therefore, that the decision rendered by the Commission to the Five Civilized Tribes under the Act of Congress approved June 10, 1896, was without jurisdiction and of no force and effect, I am of the opinion that the applicant John Bowles is entitled to be enrolled as a citizen by intermarriage of the Cheetaw Nation and can see no reason for the cancellation of his name from the approved roll of such citizens.

If, however, it is held that the Commission to the Five Civilized Tribes did have jurisdiction over the applicant when he

(10)

submitted his petition under the Act of June 10, 1896, then I am of the opinion that the decision rendered under said Act admitting the applicant which was not appealed from by the Choctaw Nation within the time required by the Act, became final and binding upon said nation, in the absence of any allegation or showing that such judgment was fraudulently obtained.

I cannot believe that the doctrine as enunciated by the Assistant Attorney General for the Department of the Interior in his opinion of June 19, 1906, in the Cherokee case of Thomas J. Laaley, et al., is in any manner applicable to the case of John Bowles.

Under either condition as herein expressed I believe that the applicant was rightfully enrolled as a citizen by intermarriage of the Choctaw Nation by the decision of the Commission to the Five Civilized Tribes of March 3, 1903, and I therefore respectfully recommend that the enrollment of John Bowles as the same appears upon the final roll of the citizens by intermarriage of the Choctaw Nation opposite No. 34 be not disturbed.

The record in this matter transmitted with Departmental letter of June 20, 1905, is herewith returned.

Respectfully,

Tams Bixby.

Commissioner.

Through the Commissioner
of Indian Affairs.
Kali 30/4

COPY.

J.R.W.
W.C.R.
S.V.P.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE ASSISTANT ATTORNEY-GENERAL,

I. T. D.
5330-1905.

WASHINGTON.

September 26, 1906.

The Secretary of the Interior.

Sir:

I received by reference of January 26, 1906, with request for opinion thereon, the papers in the case of John Bowles, applicant for enrolment as citizen of the Choctaw Nation by intermarriage.

His enrolment was granted by the Commission and approved by the Secretary of the Interior, June 13, 1903. Subsequently counsel for the nation asked reconsideration of the case and it was granted. September 28, 1905, the Commission to the Five Civilized Tribes recommended that the former action be adhered to. The Commissioner of Indian Affairs, November 18, 1905, transmitted the papers and advised that Bowles be stricken from the roll and his application disallowed.

The facts are that Bowles was married to Catherine
Choctaw
Campbell, a recognized/citizen by blood, August 3, 1876, by W. G. Davis, presiding elder, Mission Conference, Methodist Episcopal Church, South, at White Bear Hill, in the Chickasaw District, or Nation, where she then lived. There was then no Chickasaw law regulating marriages between citizens of these

affiliated nations and non-citizens, as such law was not enacted by the Chickasaw council until October 19, 1876, so that no license could be obtained, as the Choctaw Nation law had no force in the Chickasaw District, nor could the Choctaw authorities grant a license except in a district wherein the citizen was resident. The residence of a Choctaw citizen in the Chickasaw Nation was not in Choctaw law and custom a foreign residence or abandonment of the Choctaw citizenship. Upon investigation of this subject the Commission to the Five Civilized Tribes reported in the case of Joseph Franklin Williams that, it is conclusive that - -

white men who had married recognized and enrolled citizens of either of said tribes prior to passage of the acts of 1875 in the Choctaw Nation and 1876 in the Chickasaw Nation were recognized and enrolled by the tribal authorities as intermarried citizens of these two nations.

Bowles was so recognized and was borne on the tribal rolls as an intermarried citizen of the Choctaw Nation; he lived with his Indian spouse until she deserted him in 1887 and procured a divorce. He has continually since lived in the Territory. The enrolling acts require that the Commission shall give force to the laws, usages, and customs of the Indian tribes. There having been no law requiring license at the place and time of the marriage of the citizen Catherine Campbell -- she not being in what the Choctaw Nation regarded as foreign parts - - the custom of the Choctaw Nation to regard such mar-

-3-

riages as conferring citizenship is in my opinion a construction of their law, and a usage and custom within the meaning of the enrolment acts that the Commission to the Five Civilized Tribes was required to recognize and to give effect. I am therefore of opinion that Bowles was properly enrolled and should not be stricken from the rolls.

Very respectfully,

Frank L. Campbell,

Assistant Attorney-General.

Approved: September 26, 1906.

Thos Ryan.
Acting Secretary.

(Copy I. T. D. 2908-1907)

J. R. W.
F. V. C.
W. C. P.

I. T. D.
18932, 24372-
1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE ASSISTANT ATTORNEY-GENERAL,
WASHINGTON.

February 9, 1907.

The Secretary of the Interior.

Sir:

I received by reference of December 12, 1906, for my reconsideration, the record in the case of John Bowles for enrollment as an intermarried citizen of the Choctaw Nation. This reference is made "in view of the reported authenticity of an act of the National Council of the Chickasaw Nation of September 25, 1875," relative to intermarriage. Bowles claimed under marriage to a Choctaw citizen at Whitehead Hill, Chickasaw Nation, August 3, 1876. The case was subject of my opinion of September 26, 1906.

Existence of the supposed act of September 25, 1875, referred to, rests upon what is in form marked "(Copy)," of a supposed act without title, beginning "Be it enacted by the legislature of the Chickasaw Nation," and at its foot appears "Approved September 25, 1875, (signed) B. P. Overton, Governor." Annexed thereto is a sheet bearing, all typewritten, the following:

I, J. E. Colbert, National Secretary of the Chickasaw Nation, do hereby certify that the above and foregoing is a true and correct copy of the original act of Legislature of the Chickasaw Nation as now on file in my office. Given under my hand and seal of office this 2nd day of November, 1906. J. E. Colbert. National Secretary Chickasaw Nation.
(Seal)

There is not authentication of any officer or person to the verity of this "(copy)" of a supposed certified copy of the Act. This Act does not appear in the Public Laws of the Chickasaw Nation Edition of David Homer of 1899. The Department, having obtained this paper from some source not stated, October 10, 1906, transmitted it to the Commissioner to the Five Civilized Tribes for advise "whether such Act is authentic." November 28, 1906, the Commissioner reported to the Department that, -

'Mr. O. L. Johnson, 'a law clerk of the Commissioner, 'has recently, in company with John F. Williams, Deputy National Auditor of the Chickasaw Nation, made a thorough search of the records of the Chickasaw Nation in the office of the National Secretary at Tishomingo, Indian Territory, and was unable to find any copy of the act in question upon the records of the Chickasaw Nation. Mr. Johnson did, However, find among the records of the office of the National Secretary the minutes or journal of the proceedings of the Senate of the Chickasaw Nation in the month of September, 1875. From these minutes or journal it appears that on September 24, 1875,

Act to repeal an act in relation to intermarriage of citizens of the United States and members of the Chickasaw tribe or nation of Indians approved September 20, 1872," was laid before the Senate and that upon motion of Benj. Kemp, seconded by C. H. Heals, the bill was taken up for consideration, the votes called and carried, and that upon motion of Mr. Heals the act was amended by adding the following section:

'This Act shall not be construed as to interfere with marriage solemnized prior to the treaty of 1866':

I transmit herewith forv the information of the Department and excerpt of the minutes of the Chickasaw Senate of September 24, 1875, from which it appears that the Act in question was duly submitted to and passed by the Chickasaw National Senate on September 24, 1875.'

X X X X X XXX X X X X X X X X X

While this office is unable to secure a certified copy of said act from the records of the Chickasaw Nation it is probable that the act is authentic, inasmuch as the date of the approval followed the date of its passage by the Chickasaw Senate as set forth in the journal or minutes of September 24, 1875."

While it may from minutes of the Senate appear probable that some act was that day passed having reference to the subject of intermarriages, which has since been lost from the archives of the Chickasaw Nation, there is no competent evidence that this paper is a copy of such act. The Revised Statutes of the United States provides:

Sec. 905. The acts of the Legislature of any State or Territory, or of any country, subject to the jurisdiction of the United States, shall be authenticated by having the seals of such State, Territory, or country affixed thereto.

This writing bears no such authentication, nor does it bear any certificate that it is a true copy of such supposed authenticated copy resting somewhere in the records of some public office. It is therefore not entitled to credit, either as primary evidence or yet secondary evidence of an original statute or record now lost, nor is the writing competent evidence that the supposed act ever existed or yet that the Secretary of the Choctaw Nation ever certified to the original of the paper to be a copy of a law of the Chickasaw Nation in his custody. The fact that search of the records of the proper office failed to disclose it shows that no primary evidence of its passage probably exists and takes away all inference or probability of its authenticity. I am therefore of opinion that the conclusion of the Commissioner that "it is probable that the act is authentic" was not justified by the facts.

The enrolment and attestation act of June 26, 1896 (29

Stat. 339), required the Commission to "respect all laws of the several tribes, not inconsistent with the laws of the United States," and the Commission in case of Joseph Franklin Williams, February 17, 1903, upon full investigation of the subject of citizenship by marriage in their tribe, reported that:

It is conclusive that prior to the intermarriage act of the Chickasaw National Legislature of October 19, 1876, there were no means provided whereby white men desiring to marry citizens by blood of either of said nations could procure or obtain a marriage license as provided by the Choctaw act of 1840, and that white men who had married recognized and enrolled citizens of either of said tribes prior to the passage of the acts of 1875 in the Choctaw Nation and 1876 in the Chickasaw Nation were recognized and enrolled by the tribal authorities as intermarried citizens of these two nations.

This being ascertained to be the interpretation of the effect of their previous legislation established by themselves is part of the law of these tribes obligatory upon the Commission if not inconsistent with any law of the United States. I therefore conclude, and am of opinion (1) that no competent evidence is before me tending to show that the paper inclosed is a copy of a Chickasaw act of September 25, 1875; (2) if it were authentic, it would have to be construed as the Indians construed it, as abrogated and superseded, altogether, not merely amended, by the act of October 19, 1876; that no occasion exists to recall, vacate, or modify the former opinion and decision in Bowle's case, or to deny his enrolment.

Very respectfully,

Approved: February 9, 1907.

E. A. Hitchcock,
Secretary.

Frank L. Campbell,
Assistant Attorney-General.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

Land.
79379-1905.

November 15, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated September 28, 1905, transmitting a report in the matter of the application of John Bowles for enrollment as an intermarried citizen of the Choctaw Nation. John Bowles is enrolled at No. 54, Choctaw intermarriage rolls, and Mr. Rixby recommends that his enrollment be allowed to stand. He reports that the record in the case shows that the applicant was admitted to citizenship by intermarriage in the Choctaw Nation by decision of the Commissioner to the Five Civilized Tribes of December 4, 1896, rendered under the act of June 10, 1896 (29 Stats., 321); that no appeal was taken from said decision; that the applicant was married in 1876 to Catherine Campbell; that they separated in 1877 and that subsequent to the separation a divorce was obtained by the applicant's wife. The applicant says in his testimony that he was unable to give the exact year of the divorce but the record shows that he has never lived with his Choctaw wife since their separation. Neither does the record show that he was married to her in accordance with the tribal

laws, usages and customs of the Choctaw Nation.

June 24, 1905, (I. T. D. 7492), the Commission to the Five Civilized Tribes was advised by the Department that its decision of March 3, 1903, granting the application for the enrollment of John Bowles as an intermarried citizen of the Choctaw Nation was rendered under a different interpretation as to the finality of decisions under the act of Congress approved June 10, 1896, from that expressed by the Assistant Attorney-General in opinion of June 19, 1905, in Cherokee enrollment case of Thomas J. Lasley, and the Commission was directed to reconsider its decision in the light of the opinion in the Lasley case, and to submit a recommendation as to whether the applicant's name should be canceled upon the approved roll of citizens by intermarriage of the Choctaw Nation.

Mr. Bixby reports that the original petition submitted by the applicant in 1896, and which was filed with the Commission to the Five Civilized Tribes, September 9, 1896, is as follows:

"I the undersigned your petitioner respectfully make the following statement of facts constituting my grounds for citizenship in the Choctaw Nation, to-wit: My name is John Bowles 50 years of age, a resident of Purcell, Chickasaw Nation, Ind. Ter. I am a citizen of the Choctaw Nation by marriage, my wife was Katherine Campbell who was a Choctaw Indian by blood, both her father and mother being Choctaw Indians by blood. We were married at Paul's Valley Chickasaw Nation on August 3rd, 1876, by the Rev. W. G. Davis a regular ordained minister. I here enclose an affidavit of witness to corroborate my statement, and also a certified copy of my marriage certificate and the County Clerk's certificate. I complied with all the laws of the Choctaw Nation in regard to non-citizens marrying into the said tribe of

Indians. I do most respectfully ask that we be placed on the citizenship roll of the Choctaw Nation."

Mr. Rixby reports that said petition was accompanied by the affidavit of W. R. Fox to the effect that John Bowles complied with all the laws of the Choctaw Nation relative to intermarriage at the time of his marriage to Katherine Campbell, and a certified copy of the certificate of W. G. Davis to the marriage of John Bowles and Katherine Campbell on August 3, 1876. He also says that the answer of the Choctaw Nation which was filed in the case on October 9, 1896, after the general denials of jurisdiction to the Five Civilized Tribes to determine the rights of applicants to citizenship under the act of June 10, 1896, stated as follows:

"No copy of the Choctaw license has been filed, and the proof fails to show a marriage according to the Choctaw law. There is no evidence to show that this claim has ever been disputed by the Choctaw Nation."

He reports that upon such evidence as was submitted the decision of the Commission of December 4, 1896, admitting John Bowles as an intermarried citizen was rendered; that the decision was not appealed from and that its finality was not questioned until the request filed by the attorneys of the Choctaw and Chickasaw Nations on February 6, 1904; that the applicant at the time of his personal appearance before the Commission at Paul's Valley, Indian Territory, October 21, 1902, stated that he married Katherine Campbell in August 1876 at Whitehead Hill, Chickasaw Nation, that such marriage was performed by a missionary preacher and that no tribal license was obtained; that he lived with his wife from 1876 until 1877 when

they separated; that she subsequently obtained a divorce from him; that the facts of the applicant's separation and divorce from his Choctaw wife were not recited in the petition submitted by him under the provisions of the act of June 10, 1896, and that it is evidently upon the statement made by the applicant October 21, 1902, that the record was returned for reconsideration in the light of the opinion rendered by the Assistant Attorney-General in the Lasley case. He does not consider said opinion applicable to this case and says it is true that Bowles in the submission of his petition which was sworn to August 28, 1896, omitted to make any reference to the separation and divorce from his Choctaw wife, and that his allegations that he was married in conformity with tribal laws, customs and usages, were denied by the Choctaw Nation in its answer of October 9, 1896.

He invites attention to the fact that at the time the applicant filed his petition in 1896, he had been recognized and enrolled as an intermarried citizen of the Choctaw Nation by the tribal authorities, his name being on the 1896 census roll at no. 14356 as an intermarried citizen, and quotes from the act of June 10, 1896, as follows:

"That the rolls of citizenship of the several tribes as now existing are hereby confirmed, and any person who shall claim to be entitled to be added to said rolls as a citizen of either of said tribes and whose right thereto has either been denied or not acted upon, or any citizen who may within three months from and after the passage of this act desire such citizenship, may apply to the legally constituted court

or committee shall determine such application within thirty days from the date thereof."

He also invites attention to the opinion of the Assistant Attorney-General of March 24, 1905, in the Chickasaw case of Benjamin J. Vaughan et al., holding that under the act of June 10, 1896, the Commission was without authority or jurisdiction to determine the rights of any citizen in any of the Five Civilized Tribes who had been recognized and enrolled by the tribal authorities as a member thereof, and says that applying this doctrine to the Bowles case the decision of the Commission in 1896 "was without authority of law and the case should^{not} be adjudicated upon its merits irrespective of such action."

He finds that the applicant was married to Katherine Campbell, a recognized and enrolled citizen by blood of the Choctaw Nation, August 3, 1876, that the marriage was performed by W. G. Davis in the Chickasaw Nation of which both parties were residents at that time; that no license was obtained from any of the authorities of the Chickasaw Nation for the consumation of this marriage, but that the position of the Commission to the Five Civilized Tribes upon the question of obtaining tribal license in the Chickasaw Nation prior to October 19, 1876, is fully set forth in its letter of February 17, 1903, in Chickasaw enrollment case of Joseph Franklin Williams in which the following language was used:

"It is conclusive that prior to the intermarriage act . . . of the Chickasaw National Legislature of October 19, 1876, there were no means provided whereby white men desiring to marry citizens by blood of either of said nations could procure or obtain a marriage license as provided by the Choctaw Act of 1840, and that white men who had married recognized and enrolled citizens of either of said tribes prior to the passage of the Acts of 1875 in the Choctaw Nation and 1876 in the Chickasaw Nation were recognized and enrolled by the tribal authorities as intermarried citizens of these two nations."

Mr. Bixby concludes his report in part as follows:

"Upon the theory, therefore, that the decision rendered by the Commission to the Five Civilized Tribes under the Act of Congress approved June 10, 1896, was without jurisdiction and of no force and effect, I am of the opinion that the applicant John Bowles is entitled to be enrolled as a citizen by intermarriage of the Choctaw Nation and can see no reason for the cancellation of his name from the approved roll of such citizens."

If, however, it is held that the Commission of the Five Civilized Tribes did have jurisdiction over the applicant when he submitted his petition under the act of June 10, 1896, then I am of the opinion that the decision rendered under said Act admitting the applicant which was not appealed from by the Choctaw Nation within the time required by the Act, became final and binding upon said nation, in the absence of any allegation or showing that such judgment was fraudulently obtained."

As above stated he recommends that the enrollment of John Bowles as an intermarried citizen be not disturbed.

The law under which intermarried citizens are enrolled declares that only those who have been intermarried to Choctaws or Chickasaws, in accordance with the laws, usages and customs of the tribes, shall be enrolled, and it is the duty of the Commissioner to place on the rolls prepared by him the names of such intermarried persons as have married in

accordance with the laws of the Nation, and the fact that an applicant's name may be found upon some roll does not vest in him the right of intermarried citizenship unless such name is there by authority of law and not by fraud. It is an admitted fact in this case that this applicant was not married in accordance with the laws of the Choctaw Nation. He did not obtain a marriage license from the tribal authorities and his marriage to his citizen wife conferred no rights of citizenship upon him. The fact that he was admitted in 1896 does not confer such rights upon him, as the record now shows that the marriage was not performed in accordance with the laws of the Nation. He stated in his petition in 1896, "I complied with all the laws of the Choctaw Nation in regard to non-citizens marrying into the said tribes of Indians." When he made this statement in his petition he perpetrated a fraud upon the Choctaw Nation and upon the Commission to the Five Civilized Tribes as he well knew that his marriage was not in accordance with the laws of the Nation.

Furthermore, he was not enrolled until after June 10, 1896, and his enrollment was not confirmed by the act of that date, as his application was subsequent thereto, to the tribal authorities. He not only applied for enrollment under the provisions of said act, to the tribal authorities, but to the Commission to the Five Civilized Tribes also, and the 1896 Census Roll of the Choctaw Nation was prepared by the tribal

authorities under the act of June 10, 1896. The Commission to the Five Civilized Tribes, or the tribal authorities, had no jurisdiction of this case under the act of June 10, 1896, and this office is clearly of the opinion that the applicant is not entitled to enrollment; that the decision in 1896 is not final; and that his name should be eliminated from the intermarriage rolls of citizens of the Choctaw Nation; and it so recommends.

In connection herewith, attention is respectfully invited to Department letter of July 29, 1904 (I. T. D. 5774), concerning the application of Charles L. Houghton for enrollment as an intermarried citizen of the Choctaw Nation.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

GAW-Y-GH

G. R.
S. P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

February 13, 1907.

D. C. 9319-1907.
I. T. D. 8458-1904, 24486-1906.
5330-1905, 24372,
18932-1906, 2908-1907.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In accordance with the approved opinion of the Assistant Attorney-General for this Department, dated respectively, September 26-1906 (I. T. D. 18932) and February 9, 1907, (I. T. D. 2908-07), contrary to the recommendation of the Indian Office of November 15, 1905 (Land 79379), copies whereof are inclosed for your information, your decision of March 3, 1903, admitting to enrolment John Bowles, as an intermarried citizen of the Choctaw Nation, is hereby affirmed.

You will advise applicant and his attorney of this action.

The papers in the case have been sent to the Indian Office with a carbon copy thereof.

Respectfully,

3 inc. and
8 to Ind. Of.
A. F. Mc.
2-14-07.

THOS. RYAN.

First Assistant Secretary.

7-5645

Muskogee, Indian Territory, June 11, 1907.

Chief Clerk,
Chickasaw Land Office,
Ardmore, Indian Territory.

Dear Sir:

You are advised that the following notations in red ink have been placed on Choctaw roll card No. 5645 John Bowles:

"June 28, 1905 Original record and decision returned by Department for reconsideration and readjudication in conformity with opinion of Assistant Attorney General of June 19, 1905 in Cherokee enrollment case of Thomas J. Lasley.
Sept. 28, 1905 Report to Department. Feb. 13, 1907 Department affirms former decision enrolling No. 1."

also the following notations in black ink have been placed on same card:

"No. 1 admitted by Dawes Commission in 1896 Choctaw case No. 893.
No. 1 was formerly husband of Catherine C. Burnett Roll No. 216."

You are directed to make duplicate card of this number in your possession conform to this information.

Respectfully,

Commissioner.

7-5645

Muskogee, Indian Territory, June 11, 1907.

Chief Clerk,
Choctaw Land Office,
Atoka, Indian Territory.

Dear Sir:

You are advised that the following notations in red ink have been placed on Choctaw roll card No. 5645, John Bowles:

"June 28, 1905 Original record and decision returned by Department for reconsideration and readjudication in conformity with opinion of Assistant Attorney General of June 19, 1905 in Cherokee enrollment case of Thomas J. Lasley.
Sept. 28, 1905 Report to Department. Feb. 13, 1907 Department affirms former decision enrolling No. 1."

also the following notations in black ink have been placed on same card:

"No. 1 admitted by Dawes Commission in 1896 Choctaw case No. 893.
No. 1 was formerly husband of Catherine C. Burnett Roll No. 216."

You are directed to make duplicate card of this number in your possession to conform to this information.

Respectfully,

Commissioner.

John Bowles
an 52

page 11. Choc Sub Roll

Chick ~~an~~ Dist,

Choc Residing in Chick
Dist,

OK
Buckley

(White Card)

Robinson's Ciphers.

All Quotations subject to Market
Fluctuations

Shipping Stations.

Pineville, I. T.
Waynes, I. T.
Pauls, I. T.
Pauls Valley, I. T.

W. A. P. Tudgeon & Co.

W. A. P. Tudgeon
H. W. Archer

Wholesale Grain, Hay and Coal.

Pineville, I. T. Nov 13th, 08

Genl. Dixby, Chairman
Dawes Commission,
Annapolis, I. T.

Dear Sir:-

During the time the Dawes Commission was at Pauls Valley in September, I made application for enrolment as a member of the Choctaw Nation, and entitled to all the benefits under the agreement made with the Dawes Commission, and the Choctaw Nation. At the time I made application your Commission saw proper to place me on the waiting card, I have since been advised that you have taken me off this list and placed me while at "ishimingo, on the regular list, as entitled to recognition as a duly qualified Choctaw. I would like to be advised as to whether or not this information is correct. And will appreciate reply soon as convenient.

Yours truly

John Bawles

Choc 5646

H. D. Cloud

Transferred from Choc
D113 March 29, 1903

5646

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

The record in the matter of the application for
enrollment as a citizen by intermarriage of the
Choctaw Nation of

H. D. CLOUD, 7 D 113.

9113

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----10:-----

In the matter of the application of D. H. Cloud for
enrollment as an intermarried citizen of the Choctaw Nation.

-----10:-----

Messrs. Grace & Grace, Attorneys for the applicant.

-----10:-----

Ardenore, Indian Territory, November 26th, A. D., 1898.

-----10:-----

D. H. Cloud, being duly sworn by Commissioner A. S. McKennon,
on his oath, testified on behalf of the applicant as follows:

Direct Examination by Commissioner Tame Dixie:

- Q How old are you? A. I was twenty-seven in January.
- Q You at one time were married to a Chickasaw Indian? A. Choctaw Indian.
- Q What was her name? A. Ella Camp.
- Q When were you married to her? A. Married in June 1896.
- Q Under Chickasaw or Choctaw law? A. Chickasaw law.
- Q How long did you live with her? A. Something close to two years.
- Q Then you separated? A. Yes sir.
- Q How? A. Well, the way of the separation was I was down here at Ardenore with her father and when I went back home she was gone.
- Q She left you? A. Yes sir.
- Q Why? A. I don't know.
- Q You never know? A. No sir.
- Q You don't know yet? A. No sir.

Q Did you treat her well? A. Yes sir.

Q Provided for her? A. Yes sir.

Q Didn't she ever allege any reasons for leaving you? A. Not that I know of. I have never seen the complaint that she filed in the divorce suit.

Q You don't know why? A. No sir.

Q Never investigated? A. I have asked her I guess fifty times or more in writing to her, and I couldn't get anything out of her.

Q Didn't you make any other investigation besides asking her?

A No sir, I don't know whereabouts I could find out except through her, and she seemed to be friendly.

Q Did you try to get her back before she applied for a divorce?

A Yes sir, and since. I have tried a time or two since she got the divorce.

Q To remarry you? A. Yes sir.

Q Have you married again? A. No sir.

Q Has she married again? A. Yes sir.

Q Did you apply to the Daves Commission? A. In 1904?

Q Yes sir? A. Yes sir, and got a judgment.

Q When did she get a divorce? A. I think she got the divorce in 1904, I think November 1904, if I am not mistaken.

Q Before you applied to the Daves Commission? A. Yes sir.

By Commissioner A. S. McEnnamon:

Q You never investigated to see what ground of divorce she alleged against you? A. No sir, I have never been to Tishomingo where the case was tried.

Q You then do not know what ground of divorce she set up?

A No sir. Well, now, I know nothing of the case, at least I was not cited to appear. I would have went down there at the trial if I had known it. Only two days before the case was tried the

Sheriff wrote to me and told me what was going on down there and advised me to come down, and I couldn't get there. I was working as an officer down in that country, and, if I recollect it right, I didn't have two days to get to Tishomingo in.

Q (By Mr. Cruise) How far did you live from Tishomingo then?

A It must be something over a hundred miles. Chickasha is two hundred miles from here, it is sixty-five miles from here to Pauls Valley, and I think it is sixty-five miles from Pauls Valley to Tishomingo.

(By Mr. Cruise) I want to file this judgment. (Marked Exhibit A., and to be attached)

(By witness) I would like to state that we never had a cross word pass between us.

Q (By Mr. Sixby) What county did she belong to, what roll was she on? A. She was on the Choctaw roll in the Chickasaw Nation.

Q (By Mr. Johnson) Which side of the river do you live on, this side? A. Yes sir.

Q That would be Pickens County? A. The Choctaws enrolled me in 1896.

INDIAN TERRITORY,
SOUTHERN DISTRICT.

Personally appeared before me the undersigned authority,
Hop.D. Cloud, who on oath states that he was the supposed defendant
in the case of Ella Camp vs Hop.D. Cloud in a suit instituted in the
Indian Court at Tishimingo, I.T. in the District Court there in divorce
proceedings.

Affiant states that there was never at any time any summons
served on him to appear and defend said suit and that he never had
any knowledge that said suit was pending against him until long after
said suit had been tried and judgement rendered in favor of plaintiff.

Affiant states the record and transcript of the judgement
hereto attached was obtained by him from the Clerk of the District
Court of said County, Chickasaw Nation and was the only record of said
proceedings that could be found in the Clerk's Office of said Court.

That he never at any time had any summons served on him to
appear and answer said cause.

(SIGNED)

Hop.D. Cloud

Subscribed and sworn to before me this 1st day of April, 1902.

Mamie Deolin
Notary Public.

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FILED

APR 3 1902

1. NAME _____

Copy.

Civil Docket Nov. Term 1894.

Mrs. Ella Cloud.

V.S.

Divorce

Hop. C. Cloud.

Suit

Plt witnesses

Brad. Kemp.

Henry Hoover.

Jury trial Nov. 27th 1894.

verdict in favor of Plaintiff.

Judgment against defendant.

Cost of suit. Jury \$24.

Witnesses \$14.
\$38.

Execution issued January 15th 1895
turned over to Dave Sully.

Dist Court. Nov. Term 1894.

By authority of Law vested in
me do this day grant a Decree
of Divorce to Ella Cloud from
her husband Hop. C. Cloud in
accordance with the Jury -
trying the case. This the 27th day
of Nov 1894.

Attest.

B. J. Kemp.

A. J. McKinney Dist. Judge, C. N.
Clerk.

I hereby certify that the above is
a true and correct copy of and all
to be found of record in the divorce
suit had between Ella Cloud V.S.
Hop. C. Cloud. the same to be found
on Page 38. Civil docket District

Count. Chickasaw Nation

Given under my hand and
seal of Office this 29th day
of March A.D. 1902-

J. Brown
District Clerk
Chickasaw Nation

COPY.

Choctaw D-113.

Muskogee, Indian Territory, February 26, 1902.

H. D. Cloud,

Chickasha, Indian Territory.

You are hereby notified that your application for enrollment as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 3rd day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes,

SIGNED.

T. B. Needles.

Register.

Commissioner in Charge.

H. D. Cloud
vs.
The Choctaw Nation.

D-113.

On the 26th day of February, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail, that the application of H. D. Cloud for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee Indian Territory, on the 3rd day of April, 1902, for final consideration.

Now on this 3rd day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear, and the applicant, being called, failed to appear either in person or by attorney.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on the 3rd day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902

Subscribed and sworn to before me this 4 day of April, 1902.

Carmit Hollowood

Notary Public.

Department of the Interior
Commission to the Five Civilized Tribes
Chickasha I. T. October 15, 1902.

Choctaw D-113.

In the matter of the application for enrollment as a citizen
by intermarriage of the Choctaw Nation of H. D. Cloud.

H. D. Cloud being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A H. D. Cloud.
Q Your age? A Thirty-one.
Q Your post office address? A Chickasha.
Q Are you the identical H. D. Cloud who on November 26, 1898,
made application to this Commission to be enrolled as a citizen
by intermarriage of the Choctaw Nation? A No, sir; I made appli-
cation in Ninety-six.
Q You afterwards made application here at Chickasha in 1898? A
Yes, sir.
Q You claim your right to enrollment by reason of your marriage
to one Ella Camp? A Yes, sir.
Q Who was a recognized citizen of the Choctaw Nation? A Yes, sir.
Q Ella Camp has always been recognized and enrolled as a citizen
by blood of the Choctaw Nation? A Yes, sir.
Q You are a white man? A Yes, sir.
Q When did you marry this woman? A I think in ninety-two.
Q How long had you been residing in the Choctaw-Chickasaw Country
at that time? A I had been here all my life you might say; but,
I was living here since eighty-nine regularly.
Q You married this woman in 1892? A Yes, sir.
Q Did you obtain a license to marry her? A Yes, sir.
Q Chickasaw license? A Yes, sir.
Q From whom did you obtain it? A I believe Judge Willis, I
have the license here.
Q How much did you pay for that license? A \$50.00.
Q How long did you live with Ella Camp? A About two years.
Q That would be ninety-four? A Right close to two years.
Q That would be up until ninety-four? A It was along in
December or January some time when we separated, I could not
say whether it was ninety-four, somewhere along there.
Q You have actually lived together then as husband and wife for
two years? A Yes, sir; right close to it.
Q Then what happened? A We separated.
Q What was the cause of the separation? A I cannot say, only,
I was not at home at the time she left; her mother sent for her
and she went over there and that is the last time we lived together
me and her father was at Ardmore and when I came home my wife
was gone and I stayed there a week and finally sent my hand over
there and wanted to know when she would come home and she sent
me word that she had quit me.

- Q Did you ever make any attempt to have her return? A Yes, sir.
- Q When? A Several times.
- Q She ever agree to live with you after that? A No, sir.
- Q How often did you attempt to have this woman return and live with you after that separation? A Several times--pretty often.
- Q There was a divorce finally granted? A Yes; there was a divorce granted, to her from H. C. Cloud but no service was ever in the divorce.
- Q Divorce granted in the Indian Court? A Yes, sir.
- Q When was that? A I could not say.
- Q About how long after the separation? A I believe some time in ninety-four.
- Q You had notice of that divorce? A No, sir.
- Q You had knowledge of its existence? A I don't know whether it was after the trial or before the Sheriff wrote me that I had better come down there.
- Q After the divorce was granted to Ella Camp you knew of its existence? A I understood it but did not know it.
- Q At that time you would have felt at liberty to have married some other woman? A No, sir; I didn't think it was legal and I don't think so yet.
- Q Ella Camp was married since then? A Yes, sir.
- Q When was she married the next time? A I could not say.
- Q Whom did she marry? A She married a man by the name of Thomas I Hamm.
- Q How long after the separation was it that Ella Camp married this other man? A I could not say how long?
- Q About how long; you knew they were married; when did you first hear of it? A I could tell by looking through some papers; she wrote me that she was going to be married, but I could not say the year?
- Q Was it a year or two years? A About two years it must have been.
- Q The separation took place in ninety-two? A No, sir; the marriage was in ninety-two and the Winter of ninety-three or the latter part of ninety-four---
- Q Then some time in the next two years she married Hamm? A Yes, sir.
- Q In the year 1896 you submitted your application to the Dawes Commission to be admitted as a citizen by intermarriage? A Yes, sir.
- Q At the time you submitted that application did you know that Ella Camp was married to Hamm? A Well I don't know whether she was married then or afterwards---I could not say--No, I could not say, whether she was married to him then or not.
- Q Who drew up your petition that you submitted to the Dawes Commission in 1896? A Mr. Riddle.
- Q You told him the facts in the case? A Yes, sir.
- Q There was no statement in that petition that there was a divorce between you and Ella Camp? A No, sir.
- Q At that time you made that petition you stated that you claimed your right as an intermarried citizen by reason of your marriage to Ella Camp? A Yes, sir.
- Q Filed a copy of your license? A Yes, sir.
- Q You did not state that you had been separated or divorced and that she was the wife of another man? A No, sir.

D-113--3

- Q Why did you not say that you were separated and divorced? A I don't know.
- Q Did you not know that that petition was not a true statement of the facts? A I don't know why; if I thought it was necessary I would have put it in there; I did not want to misrepresent anything.
- Q You were admitted by the Dawes Commission in 1896? A Yes, sir.
- Q You have resided in the Chickasaw Nation continuously since that admission in 1896? A Yes, sir.
- Q Have you ever married since your divorce from Ella Camp? A No, sir.
- Q You are still single? A Yes, sir.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on October 15, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

G. Rosenwinkel

Subscribed and sworn to before me this 17 day of October 1902.

H. Deane

Notary Public.

7-D-113

L & D
J.H.A.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
H. D. Cloud as a citizen by intermarriage of the Choctaw Nation.

- D E C I S I O N -

It appears from the record in this case that H. D. Cloud appeared before the Commission at Ardmore, Indian Territory, on November 26, 1898, and made personal application for enrollment as a citizen by intermarriage of the Choctaw Nation. Further proceedings were had in the matter of said application at Chickasha, Indian Territory, October 15, 1902.

It further appears from the records in the possession of the Commission that on September 8, 1896, in the case entitled "H. D. Cloud, et al., vs. the Choctaw Nation" (1896 Choctaw Docket "C", No. 717), the applicant herein made original application to this Commission under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), for admission to citizenship in the Choctaw Nation, claiming his rights thereto by virtue of his marriage with Ella Camp, a recognized and enrolled citizen by blood of the Choctaw Nation, and on December 3, 1896, the said H. D. Cloud was by this Commission admitted to citizenship in the Choctaw Nation as a citizen by intermarriage, from which decision of the Commission no appeal was taken.

The evidence in this case further shows that the applicant, H. D. Cloud, was a resident in good faith of Indian Territory on June 28, 1898, and had been for more than nine years prior thereto, and that his status as a citizen by intermarriage of the Choctaw Nation remained unchanged from the date of his admission by the Commission in 1896 up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that H. D. Cloud should be enrolled as a citizen by intermarriage of the Choctaw Nation under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495) and July 1, 1902 (32 Stats., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

MAR 12 1903


Commissioner.

COPY.

Choctaw D. 113

Muskogee, Indian Territory, March 13, 1903.

H.D. Cloud,

Chickasha, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 13, 1903, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tame Bixby,

REGISTERED

Chairman.

Registered.

Doc. 113. 31

COPY.

Choctaw D-113

Muskogee, Indian Territory, March 13, 1903

Cruce & Cruce,
Attorneys-at-Law,
Ardmore, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 13, 1903, granting the application of H.D. Cloud, for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed, the name of the applicant will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED: *Tame Bixby.*
Chairman.

Registered.

Enc. IES. 32

COPY.

Choctaw D-113

Muskogee, Indian Territory, March 13, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 13, 1903, granting the application of H. D. Cloud, for enrollment as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed, the name of the applicant will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED):

James Bixby.

Chairman.

Registered.

Enc. 1B3. 33

Chectaw-5646

In the matter of the application for the enrollment of H. B. Cloud as a citizen by intermarriage of the Chectaw Nation.

*Protest overruled by
Department March 31, 1904*

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FILED

FEB -6 1904

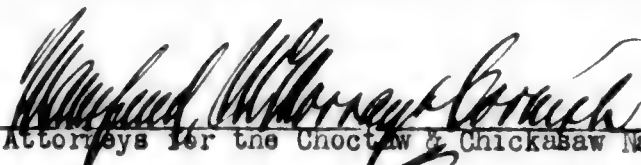
[Signature] CHAIRMAN.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
H. D. Cloud as a citizen by intermarriage of the Choctaw Nation,
Choctaw Field No. 5646.

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that no further action be taken in connection with allotment of land to this person until final decision by the Choctaw and Chickasaw Citizenship Court in the case of B. F. Thompson vs. Choctaw and Chickasaw Nations, No. 38 on the South McAlester Docket, in which the said court will decide the question of the validity of that portion of the intermarriage laws of the Choctaw Nation providing for the forfeiture of citizenship of white persons who separate from their Indian spouses, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.


Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

Muskogee, Indian Territory, May 28, 1900.

Messrs Mansfield, McMurrah & Cornish,
South McAlester, Indian Territory,
Gentlemen:

The Commission is in receipt of your letter of May 25th, in which you state that H. D. Cloud is enrolled as an intermarried Choctaw or Chickasaw and request to be advised as to the number of his card, the post office address given thereon, and the date and place of his enrollment. You are informed that the records of this Commission show that H. D. Cloud, twenty seven years of age, of Chickasaw, Indian Territory, was listed for enrollment by this Commission at Ardmore, November 26th, 1899, as a doubtful claimant to citizenship in the Choctaw Nation, and appears upon Choctaw roll card D 113.

Yours truly,

Acting Chairman.

In reply to this letter,
please refer to 7-D-113

Muskogee, Indian Territory, January 30, 1901.

R. D. Welborne,

Chickasha, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 26th instant in which you desire to be informed if H. D. Cloud is on either the Choctaw or Chickasaw roll.

Replying to your letter you are informed that the records of this Commission show that H. D. Cloud, of age, of Chickasha, Indian Territory, is listed for enrollment as a suitable claimant to citizenship in the Choctaw nation, claiming his right to such enrollment by reason of his marriage to Ella Camp, a citizen of the Choctaw Nation by blood.

The records further show that H. D. Cloud was admitted to citizenship in the Choctaw nation by the Commission in 1894 and that no appeal was taken from the decision of the Commission in the time prescribed by law.

In 1894 H. D. Cloud was divorced from Ella Camp but no mention of this fact is made in the original petition of H. D. Cloud for citizenship in the Choctaw nation.

Yours truly,

Acting Chairman.

V-D-113

Muskogee, Indian Territory, February 3, 1901.

Charles M. Fockheimer,

Chickasha, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 1st instant in which you desire to be informed if H. D. Cloud of Chickasha, Indian Territory, is listed for enrollment as a citizen of either the Choctaw or Chickasaw nation.

Replying to your letter you are informed that the records of this Commission show that H. D. Cloud, 27 years of age, of Chickasha, Indian Territory, is listed for enrollment as a doubtful claimant to citizenship in the Choctaw nation, claiming his right to such enrollment by reason of his marriage to Ella Camp, a citizen by blood of the Choctaw nation.

The records further show that H. D. Cloud was admitted to citizenship in the Choctaw nation by the Commission in 1894 and that no appeal was taken from the decision of the Commission in the time prescribed by law. In 1894 H. D. Cloud was divorced from Ella Camp but no mention of this fact is made in the original petition of Mr. Cloud for citizenship in the Choctaw nation.

No final disposition has as yet been made of the matter of this application by the Commission. When such action is taken Mr. Cloud will be furnished with a copy of the decision of the Commission stating fully therein the reason for any action that may be taken by the Commission.

Yours truly,

Acting Chairman.

V-D-113

Waukeges, Indian Territory, April 9, 1901.

Mr. M. D. Glend,
Chickasha, Indian Territory,
Dear Sir:-

Receipt is hereby acknowledged of your letter of March 21, 1901, in which it is stated that an attorney by the name of Welbourne had procured a continuance in a certain case pending against you in the court at Chickasha, Indian Territory, upon information by said Welbourne to the court that he (Welbourne) had received a letter from the Commission to the Five Civilized Tribes to the effect that the Commission would not enroll you as a citizen of the Choctaw Nation, giving as a reason therefor that you had procured a judgment from the Commission in 1896 by fraud.

You are informed that the letter files of this Commission have been carefully examined and no record is found therein of any letter to Mr. Welbourne relative to the status of your case, except one under date of January 30, 1901, a copy of which is enclosed you herein.

You are further informed that no decision by this Commission has been rendered in your case but that the Commission contemplates taking up all doubtful cases in the Choctaw and Chickasaw Nations in the near future and that when a decision is rendered in your case, a copy thereof, stating in full the reason for any

Mr. H. B. Glend-2-

action which may be taken by the Commission at that time, will be
mailed to you at your present postoffice address.

Yours truly,

Acting Chairman.

I.R.N.48

7-9-23

Muskogee, Indian Territory, October 1, 1901.

Mr. Charles M. Fackheimer,
Attorney at Law,
Chickasha, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 28th ultimo, requesting to be advised as to the status of the application for enrollment as a citizen of the Choctaw Nation of H. D. Cloud, and stating your reasons for making the request.

You are informed that the records of this office show that H. D. Cloud, twenty-seven years of age, of Chickasha, Indian Territory, is listed for enrollment as a doubtful claimant to citizenship in the Choctaw Nation, claiming his right thereto by his marriage to Ella Camp, a citizen by blood of the Choctaw Nation.

The records further show that H. D. Cloud was admitted to citizenship in the Choctaw Nation by the Commission in 1896 and that no appeal was taken from the decision of the Commission in the time prescribed by law.

In 1894, H. D. Cloud was divorced from Ella Camp, but no mention of this fact is made in the original petition of Mr. Cloud for citizenship in the Choctaw Nation.

No final disposition has yet been made by the Commission of

C. E. P.--2.

this application. When such action is taken, Mr. Glond will be furnished with a copy of the decision stating fully therein the reasons for any action which may be taken by the Commission.

Yours truly,

7-5 113

Acting Chairman.

Waskagee, Indian Territory, September 23, 1901.

Mr. Charles M. Fuchheimer,
Chickasha, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 14th instant requesting to be advised whether or not one H. D. Cloud of Chickasha, Indian Territory is listed for enrollment as a citizen of the Choctaw or Chickasaw Nation and if so whether he is entitled to the rights and privileges as such.

You are informed that upon receipt of a communication stating your reasons for requesting this information the matter will receive further consideration.

Yours truly,

Commissioner in charge.

7- D. 113.

Muskogee, Indian Territory, December 2, 1901.

Davidson & Riddle,
Attorneys at Law,
Chickasha, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 23rd ultimo in which you desire to be advised of the status of the case of H. D. Cloud, an applicant for enrollment as a citizen by intermarriage of the Choctaw Nation.

You state in your letter that you understand that the Commission admitted him to citizenship under the act of Congress of June 10, 1896, and you now especially desire to be informed if such judgment of the Commission is final.

You are informed that it appears from our records that under the Act of Congress of June 10, 1896, H. D. Cloud was admitted as an intermarried citizen of the Choctaw Nation, claiming such right to intermarried citizenship by reason of his marriage to Ella Camp, a citizen by blood of the Choctaw Nation.

In his original petition filed under the Act of June 10, 1896, Cloud recited the facts of his marriage in accordance with the Choctaw laws to his Choctaw wife and on such statement he was admitted to citizenship and from the judgment of the Commission no appeal was taken by the Choctaw Nation.

D & R 2

The name of H. D. Cloud was also identified by the Commission from the 1896 census roll of intermarried citizens of the Choctaw Nation residing in the Chickasaw District and in accordance with these facts, when on November 26, 1896 he made application to this Commission for enrollment as a citizen by intermarriage of the Choctaw Nation, he was duly listed for enrollment as such intermarried citizen.

It now appears, however, that prior to his admission to citizenship under the Act of June 10, 1896, that he had been divorced from his Choctaw wife and that in his application submitted in 1896 no recitation was made of such fact.

Ella Camp after her divorce from H. D. Cloud and prior to the application made by him in 1896 for citizenship in the Choctaw Nation, married Thomas I. Hamm, a white man and under the Act of June 10, 1896, the said Hamm also filed an application for intermarried citizenship in the Choctaw Nation and as in his original petition he showed that he had been married to his wife in accordance with the laws of the Choctaw Nation, he was admitted to citizenship by the Commission to the Five Civilized Tribes and there is no record of any appeal having been taken by the Choctaw Nation to such decision.

The Commission cannot render you any opinion at this time relative to its rights to set aside any of its actions under the Act of June 10, 1896, but as our records now stand, it appears

D & R 2

that two white men were admitted to citizenship as intermarried
citizens of the Choctaw Nation by reason of their marriage to the
said Choctaw woman.

Yours truly,

Commissioner in Charge.

7-D-113

7-231

Chectaw D 113

Muskogee, Indian Territory, April 5, 1902.

T. B. Riddle,

Chickasha, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 1st instant, enclosing certified copy of the record in the divorce proceedings between Milla Camp and Roy D. Cloud and the same has this day been duly filed with the records of this office in the matter of the application of R. D. Cloud for enrollment as an intermarried citizen of the Chectaw Nation.

Yours truly,

Commissioner in Charge.

Choctaw-5646

Muskogee, Indian Territory, February 6, 1904.

Mr. H. D. Cloud,

Chickasha, Indian Territory.

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations, dated January 23, 1904, no further action will be taken in connection with the allotment of lands of the Choctaw-Chickasaw Nations to you until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Choctaw 5646

Muskogee, Indian Territory, March 17, 1904.

F. E. Riddle,

Attorney at Law,

Chickasha, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 10, requesting to be informed if the order of the secretary of the Interior to withhold action in certain intermarried cases, especially in the case of H. D. Cloud, has been modified or revoked.

In reply to your letter you are advised that on February 6, 1904, the attorneys for the Choctaw and Chickasaw Nations filed a protest in the case of H. D. Cloud, dated January 23, 1904, in which they request that no further action be taken therein until final decision of the Choctaw and Chickasaw Citizenship Court in the case of B. F. Thompson versus Choctaw and Chickasaw Nations, Number 38 on the South McAlester Docket, in which the said court will decide the question of the validity of that portion of the intermarriage laws of the Choctaw Nation providing for the forfeiture of citizenship of white persons who separate from their Indian spouses, which question, they allege, is involved in the case of H. D. Cloud.

Under Departmental instructions of November 18, 1903, the

P E R 2

Commission is estopped from further action in cases of this character, wherein protests have been filed by the attorneys for the Choctaw and Chickasaw Nations, until further directed by the Secretary of the Interior, and the Commission has not yet been advised of any further Departmental action in this matter.

Respectfully,

Commissioner in Charge.

Choctaw 5646

Muskogee, Indian Territory, February 17, 1904.

H. D. Cloud,

Chickasha, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of February 11, relative to the protest to your allotment which was filed by the attorneys for the Choctaw and Chickasaw Nations, and asking for a copy of the order of the Secretary of the Interior and of the protest of said attorneys.

In reply to your letter you are advised that the protest of the attorneys for the Choctaw and Chickasaw Nations was filed under a letter from the Secretary of the Interior to the Commission of November 18, 1903, granting them authority to enter protests in specific cases which they might desire to have suspended until the action of the Choctaw and Chickasaw Citizenship Court in certain analogous cases.

For your information there is inclosed you herewith a copy of the protest of the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, which was filed with the Commission February 6, 1904.

Respectfully,

DE 117

Commissioner in Charge

Choctaw 5646

Muskogee, Indian Territory, March 29, 1904.

H. D. Cloud,

Chickasha, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your two letters of March 22, 1904, in which you state that you understand the Department has set aside its order of January 18, 1903 (1904), but that, as yet, the Land Office at Tishomingo has not received any orders in regard to them. You state that you would like to finish your filing and, that you were talking with Mr. McMurray some days ago, who stated to you that the order of January 18, 1903 (1904) did not apply to you and that you should not have received a notice from the Commission thereunder.

In reply to your letters, you are informed that the order of the Secretary of the Interior of January 18, 1904, referred only to the classes of persons admitted to citizenship in the Choctaw and Chickasaw Nations by acts of the Choctaw National Council and the Chickasaw Legislature and decisions of the United States Indian Agent on appeal from adverse action of the Choctaw Council. You are informed, however, that, on February 6, 1904, there was filed with the Commission the protest of Mansfield, McMurray & Cornish, the attorneys of the Choctaw and Chickasaw Nations, dated January 23,

H D C 2

1904, in which they ask that no further action be taken in your case until final decision by the Choctaw and Chickasaw Citizenship Court in the case of B. F. Thompson vs. the Choctaw and Chickasaw Nations, No. 38 on the South McAlester docket, in which the said court will decide the question of the validity of that portion of the Choctaw laws providing for the forfeiture of citizenship of white persons who separated from their indian spouses, which question, they allege, is involved in your case, and, under the instructions of the Secretary of the Interior of November 18, 1903, the Commission is estopped from further action in cases of this character wherein protests have been filed by the attorneys for the Choctaw and Chickasaw Nations until further directed by the Department.

You are further informed that while it is true that the Choctaw-Chickasaw Citizenship Court recently handed down a decision in the case of B. F. Thompson, admitting the applicant, the Commission can take no further action in the matter of allotment of lands in the Choctaw and Chickasaw Nations in your behalf until further directed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

H.D. Cloud age 27

Luc Chatter

Chortaw Residing in Chick
Rent.

Admitted by Bureau
Case No. 717 no appeal

(white card)

Chas
S. J.

OK Bishop

Choc 5647

Thomas L. Lucas

Transferred from Choc D260

March 29, 1903

5647

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for enrollment as
a citizen by intermarriage of the Choctaw Nation of-

THOMAS L. LUCAS, 7-D-260.

D. 760

Commission to the Five Civilized Tribes,
Alikehi, Indian Territory.

In the matter of the application of Thomas Lucas for enrollment as an intermarried citizen of the Choctaw Nation. Being sworn and examined by Commissioner McKannon, he testifies as follows:

Q Your name is Thomas Lucas is it? A Yes sir.

Q What is your age? A Forty-five.

Q You say you were married to a Choctaw Indian woman in 1890?

A So my license shows, I think.

Q What was her name? A Isabel Parsons.

Q You lived with her about five months and then separated from her? A Yes sir.

Q Where did you go to? A I staid right there, and been there ever since, in the same county.

Q You left her? A No sir, she left me.

Q And obtained a divorce? A Yes sir.

Q Upon what ground? A I don't know; I wasn't at the trial.

Q Don't you know; you never been informed? A No.

Q No one ever told you what the grounds were?

A She told me ~~she~~ couldn't live with me, and quit.

Q Didn't you know what the charge was she made against you?

A No sir.

Q No one ever informed you what the grounds were? A No sir.

Q And you never have inquired about what the grounds were?

A Yes, I have asked several, but nobody never told me; she told me she wouldn't live with me; she just turned the place over to me. I think there is another man the cause of us separating.

Q Where is she now? A Down to the River. We married just before Christmas, and along in April or May she quit, got a divorce

(Steno I Loge 40)

In July and married that fall, and I was still on the farm.

Q You remained in possession of the ~~same~~ all the time?

A Yes sir, that year.

Q Are you still in possession of it? A No sir.

Q How she got it? A Yes sir.

Q When did you marry again? A 1896.

Q You didn't obtain any license then to marry?

A No sir, just married according to the Choctaw law.

Q The same as a Choctaw man by blood? A Yes sir.

(The matter of the enrollment of this applicant is deferred until the appearance of his wife under whom he claims.)

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
stenographer to above named Commission, that this
transcript is a true and correct translation of
my stenographic notes.

M. D. Green

Commission to the Five Civilized Tribes,
Alikehi, Indian Territory.

In the matter of the enrollment of Thomas L. Lucas as
an intermarried citizen of the Choctaw Nation; Isabel James,
being sworn and examined by Commissioner McKennon, testifies:

Q What is your name? A Isabel James.

Q How old? A About fifty.

Q Were you once the wife of Thomas L. Lucas? A Yes sir.

Q When did you marry? A I couldn't tell you how long it has
been; I expect about seven or eight years.

Q You are separated from him now, are you? A Yes sir.

Q How long have you been separated from him?

A I didn't live with him but about a week.

Q Why? A I didn't like him and I just quit.

Q Has he talked to you about this case since he left here?

A No sir, never have seen him until now.

Q Anybody else talked to you about it? A Yes sir.

Q Who? A My husband.

Q What's his name? A Jack O'Bannon.

Q What did he tell you about it? A Told me I could come
up here and tell how this was, and I came on up, I had to come
anyhow.

Q And you just quit? A Yes sir.

Q Why didn't you like him? A I don't know, I couldn't like
him some way or another, and I just quit.

Q Did he treat you good? A Yes, he done all right, but I
just didn't like him.

Q Did he try to get you to live with him afterwards?

(Thomas L. Lucas, #2, -Isabel James, witness, #2)

A Yes sir, got some other parties to try to talk to me, but it didn't do any good; I had it in my head to quit him and I quit him. Didn't want to live with him.

Q What did you marry him for? A There was other people talking to me, and I was down sick at that time and wasn't able to get up to do anything, and they told me if I married him I had somebody to make fire for me and get up wood, and I thought so, and I found out I didn't like him.

Q Didn't he get wood for you? A Yes he got wood for me, but didn't suit me and I just quit him.

Q You didn't think he was nasty? A No, I reckon not, he had such a face as ~~you~~ you see.

Q Didn't you see his face before you married?

A I expect I didn't see him, he was kind of shamed you know.

Q Didn't you have any children by him? A No sir.

Department of the Interior,

Commission to the Five Civilized Tribes.

*I hereby certify that the foregoing is as
steno-graphed from the testimony of Isabel James, and this
true copy is a true and correct translation of
my stenographic notes.*

M. D. Green

Commission to the Five Civilized Tribes,

Red Oak, Indian Territory.

In the enrollment of Thomas L. Lucas intermarried Choctaw;
being sworn and examined by Com'r McKennon he testifies:

Thomas L. Lucas, forty-five years old.

Q Your name is Thomas L. Lucas is it? A It is spelled two ways, some spell it T.L. Lucas and some Thomas L.

Q What is the T. for? A Tom.

Q Your name is actually Thomas L. Lucas is it? A Yes sir, that's my actual name.

Q You are a white man are you? A Yes sir.

Q You present here a license to marry Louvise Austin, issued by the Clerk of Towns County on the 13th day of May, 1899, with a certificate of marriage indorsed on it ~~which shows~~ of a marriage on the 24th day of May, 1899; had you been married to this woman before? A Yes sir, just as a full-blood Indian, no license.

Q When did you marry her? A It will be three years this coming Christmas, at Wheelock.

Q You married her in what way; what was the form of marriage?

A A Missionary preacher married us, we never got any license.

Q You then married her again under this license? A Yes sir.

Q Was her name Austin or Lucas when you married her this last time? A When I first married her her name was Austin.

Q Had you been separated from her? A No sir.

Q Or divorced? A No sir.

Q This second marriage was in order to comply with the Choctaw laws was it? A I suppose so.

Q If you have any doubt about it say so? A I haven't a bit in the world.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify that the foregoing is a true and correct translation of the stenographic notes taken at the hearing of the Commission to the Five Civilized Tribes, at Red Oak, Indian Territory, on the 13th day of May, 1899.

M. D. Green

Marriage License

Know all men by these Presents
That B. H. R. Williams County
Clerk of Tarrant County Choctaw
Nation by virtue of Power
me vested, do here by grant
Thomas L. Lucas a citizen
of the United States, having
resided in the Choctaw
Nation for the length of
time required by law. I do
hereby License him to marry
Mrs. Isabelle Pearson a citizen
of the Choctaw Nation.

Given Under my hand
this 6th day of Dec. AD 1890

H. R. Williams
County Clerk
Tarrant County
Choctaw Nation

Marriage
Certificate
Chas L. Linear
and
Isabel C
Parson
Recd
Jan 2nd 1891

Filed this
2nd day Jan 1891

This is to certify, that on Friday the
twelfth day of December A. D. 1890, at
Medlock, Lawson County, Choctaw Nation
Thomas S. Lucas

and
Isabelle Parsons

were by me united in marriage, accord-
ing to the ordinance of God and the
laws of the Choctaw Nation, and the
laws of the United States of America;
and that Constance H. Edwards was
present as a witness of the same.

Witness my hand this 12th day of
December A. D. 1890.

John Edwards
Minister of The Gospel.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 29 1902



ACTING CHAIRMAN.

OFFICERS.
G. W. THOMPSON, Judge.
A. H. CLAY, District Attorney.
E. H. WILSON, Clerk.

Circuit Court, Third District,
Choctaw Nation.

TERMS OF COURT.
First Monday in December and second Monday in July.

E. H. WILSON, District Clerk.

Oakville, I. T. 190

July 15th 1891

Court Open Roll called
and the minutes of Tuesday read and
approved

On motion of J. S. Lucas
was called for a divorce from Ann
Lucas Lincoln, Napoleon and Alice Wilson
was sworn as witnesses & ruled
Ann Lucas to pay cost

J. H. Alkley

Judge Presiding.

I do hereby certify that the foregoing is a
true and correct copy of the Original
minutes that are now on Record in the
Circuit Clerk Office of the Second Judicial
Dist. Choctaw Nation

Given under my hand and Seal
this the 21st Day of April 1902

E. H. Wilson

Circuit Clerk Second

Dist. C. N.

To whom it may Concern
This will Certify That I This day
married Mr L. L. Lucas to
Mrs. Evey Austin
This 24th day of May
A.D. 1899

A. B. Jones
Circuit Judge
2nd Judicial District

Choctaw Nation
Recorded on Book A. Page 33 of Deeds C. N.
This the 12th day of June 1899.

E. B. Ferguson
Clerk, Choctaw C. N.

This is to Certify that I have this day
duly Recorded, the Marriage License and
Certificate, "on Page 140" Given and at my hand
and seal this 30th day of May A. D. 1899

Wm Taylor
Clerk, 2nd District
C. N.

782600

Marriage License

The Choctaw Nation
County of Dawson }

To all whom this may concern:
I now give: That I E. B. Herndon County
Court Clerk of the County of Dawson C. M.
Having been applied to for a marriage
License by J. L. Lucas a citizen of the United
States who proposes to marry Mrs. Vicy
Austin a citizen by blood of the Choctaw Nation.
The said J. L. Lucas having complied with
the requirements of the Choctaw Nation
relative to marriages between citizens of
this Nation by blood and non citizen
whites, and being of good moral char-
-acter I do by virtue of the authority
in me vested by the Constitution and
laws of the Choctaw Nation grant the
said J. L. Lucas a License to marry
Mrs. Vicy Austin according to the
laws & regulations of the Choctaw Nation
Given under my hand & County seal this the
23rd day of May A. D. 1899.

E. B. Herndon
Co. Clerk of Dawson Co. C. M.

Choctaw 3-250

COPY.

Muskogee, Indian Territory, February 28, 1902.

Thomas L. Lucas,

Fowlerville, Indian Territory.

You are hereby notified that the application for enrollment of yourself as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 7th day of April, 1902.

On said date, you may if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the Representatives of the Choctaw Nation will also at the same time be afforded an opportunity to introduce testimony affecting your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

SIGNED

I. B. Needles.

Register

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.

In the matter of the application of
Thomas L. Lucas for enrollment as an
intermarried citizen of the Choctaw
Nation.

---D 260---

On the 28th day of February, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw nations were notified by registered mail, that the application of Thomas L. Lucas for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory on the 9th day of April, 1902, for final consideration.

Now, on this 7th day of April, 1902, this cause coming on to be heard pursuant to said notice, the applicant being called failed to appear either in person or by attorney, and the Choctaw Nation appeared by its attorneys, Mansfield, McMurray & Cornish, and submitted this case upon the record.

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Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 7th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 10th day of April 1902.

Wrennitchell Wood

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Garvin, I. T., November 26th, 1902.

Choctaw D-260
Intermarried

-----oOo-----

In the matter of the application of Thomas L. Lucas for enrollment as an intermarried citizen of the Choctaw Nation.

Thomas L. Lucas being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Thomas L. Lucas.
Q How old are you? A I am fifty-two, somewhere about that.
Q What is your post office address? A Fowlersville, used to be, but it's Valliant now.
Q You have moved to Valliant? A Yes sir.
Q What Nation is that in? A Choctaw Nation.
Q How long have you been a resident of the Choctaw Nation?
A I have been here about eighteen years.
Q Have you lived here continuously for the past eighteen years?
A Yes sir.
Q Never made your home anywhere else during that time? A No sir.
Q Do you claim intermarried rights in the Choctaw Nation?
A Well, sir, I was married here; I suppose --
Q What is the name of your Indian wife through whom you claim?
A Levisa.
Q Levisa what; what was her name when you married her? A Levisa Austin.
Q Is she a recognized and enrolled citizen of the Choctaw Nation?
A Yes sir.
Q Her rights have never been disputed? A No sir.
Q When were you married to Levisa Austin? A It's been -- soon be four years I think.
Q Where was this marriage ceremony performed? A At Judge James'.
Q Is that in the Choctaw Nation? A Yes sir.
Q Were both you and your wife residents of the Choctaw Nation at that time? A Yes sir.
Q Were you married in accordance with the Choctaw triballaw?
A Yes sir.
Q Where did you get your marriage license? A In Towson county.
Q How much did you pay for the license? A One hundred dollars.
Q Who performed the marriage ceremony? A Judge James.
Q Were you ever married to this woman before this marriage you are speaking of? A Yes sir.
Q When was the first marriage? A Why it was about a year before that; I was supposed to be a citizen; I married a full blood citizen but never got no license; I was recognized as a citizen and been voting here with these full blood Indians and never got no license.

Thomas L. Lucas---2

- Q And afterwards you married this same woman and procured a license from the tribal authorities? A Yes sir.
- Q Were you ever married before your marriage to Levisa Austin?
- A Yes sir.
- Q How many times? A Once.
- Q What was the name of your first wife? A Isabelle Parsons.
- Q Was she a Choctaw Indian? A Yes sir.
- Q When were you married to her? A Why it's been about twelve years ago.
- Q Where was this marriage ceremony performed? A Wheelock, Parson Edwards.
- Q Were you married in accordance with the Choctaw tribal law the first time? A Yes sir, as well as I remember the license cost ten dollars in scrip. It was one hundred dollars and I bought the scrip for ten dollars.
- Q Who married you the first time? A Parson Edwards.
- Q How long did you live with your first wife? A Short while, a month or two.
- Q Did she leave you at the end of that time? A Yes sir; well, I stayed on the place; I made a crop on the place.
- Q You left her? A Well, I stayed on the place and that fall I gathered and went to another place.
- Q Were you divorced? A Got a divorce that fall.
- Q You did? A She did.
- Q Where did she get that divorce? A Sulphur Springs; I suppose Sulphur Springs, I wasn't at court, I don't know.
- Q Was this Isabelle Parsons ever married before her marriage to you?
- A Yes sir.
- Q How many times? A She had been married twice I think.
- Q Were both of her husbands dead at the time of your marriage to her? A Yes sir.
- Q She was a widow? A Yes sir.
- Q Was Levisa Austin ever married before her marriage to you?
- A Yes sir, she married Austin before she married me.
- Q Was he dead at the time of your marriage to her? A Yes sir.
- Q She was a widow? A Yes sir.
- Q Since your marriage to Levisa Austin have you lived with her continuously up to the present time as husband and wife?
- A Yes sir.
- Q There has been no separation, abandonment or divorce? A No sir.
- Q Are you at present living together as bona fide residents of the Choctaw Nation? A Yes sir.

Albert G. McMillan being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 26th day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Subscribed and sworn to before me this 15 day of January, 1903.

Charles H. Sawyer

Notary Public.

7-D-260

L.C.D.

LLR

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Thomas L. Lucas as a citizen by intermarriage of the Choctaw Nation.

- D E C I S I O N -

It appears from the record herein that Thomas L. Lucas, on December 12, 1890, was married in accordance with the laws, customs and usages of the Choctaw Nation to Isabelle Parsons, a recognized citizen by blood of the Choctaw Nation; that on July 15, 1891, the said Isabelle Lucas (formerly Parsons) obtained a divorce from the applicant herein and, afterwards, the said Thomas L. Lucas, on May 24, 1899, was again married, in accordance with the laws, customs and usages of the Choctaw Nation, to Luviey Lucas, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as No. 1141 upon the lists prepared by this Commission under the Act of Congress approved July 1, 1902 (32 Stats., 641) of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on December 12, 1902; that at the time of said marriage both persons above mentioned were residents in good faith of the Choctaw Nation and that they have lived together continuously in said nation as husband and wife from the date of said marriage up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that Thomas L. Lucas should be enrolled as a citizen by intermarriage of the Choctaw Nation under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495) and July 1, 1902 (32 Stats., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

[Signature]
Chairman.

[Signature]
Commissioner.

[Signature]
Commissioner.

Muskogee, Indian Territory,

MAR 13 1903

[Signature]
(Commissioner)

COPY.

Choctaw D-260

Muskogee, Indian Territory, March 13, 1903.

Thomas L. Lucas,

Valliant, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 13, 1903, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tame Dixby.

Chairman.

Registered.

Enc. IBS.27

COPY.

Choctaw D-260

Muskogee, Indian Territory, March 13, 1903.

Mansfield, McMurray & Cernish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 13, 1903, granting the application of Thomas L. Lucas, for enrollment as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed, the name of the applicant will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED) *Tame Bixby.*
Chairman.

Registered.

Enc. IRS. 28

Lawson, Indian Territory,

August, 28th, 1900.

Thomas J. Lucas,

Fowlerville, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-2612

Waskage, Indian Territory, September 18, 1900.

Thomas L. Lucas,
Fowlerville, Indian Territory.

Dear Sir:-

Since notifying you on August 18, 1900, of the protest filed by the Cheate Nation to your enrollment as a citizen of the Cheate Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The question raised is to your right to enrollment under your second marriage.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the proceedings at Ash Grove beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Cheate Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, October 3, 1900.

Thomas L. Lucas,

Fowlerville, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of October 1st in which you desire to be informed what you must do to prove your right to enrollment as a citizen of the Choctaw Nation, and in which you state that you have received the notice of protest to your final enrollment by the representatives of the Choctaw Nation.

The Commission wrote you on September 18th that the question raised by the representatives of the Choctaw Nation is as to your second marriage. Also that the Commission is in possession of a sufficient statement of facts upon which a decision may be rendered in your case and therefore it will be unnecessary for you to appear at Atoka during the session of the Commission next December.

As stated in the Commission's letter of the 18th of September, the Commission will accept and consider any written arguments on questions of law which you may submit at any time prior to March 1st, 1901.

Yours truly,

Acting Chairman.

7-D-260

Choctaw D 260

Muskogee, Indian Territory, March 27, 1902.

S. W. Adair,
Coordinator, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st instant, enclosing license issued by H. R. Williams to Thomas L. Lucas to marry Mrs. Isabelle Parsons, the same being dated December 6, 1890, and the certificate of John Edwards as to the marriage of Thomas L. Lucas and Isabelle Parsons on December 12, 1890, and the same have been duly filed in the matter of the application of Thomas L. Lucas for enrollment as a citizen by the marriage of the Choctaw Nation.

Yours truly,

Commissioner in Charge.

Chectaw D 260

Muskogee, Indian Territory, April 30, 1903.

J. W. Adair,

Goodwater, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 25th instant, enclosing certified copy of the divorce proceedings between Isabel Lucas and Tom Lucas, and the same has been duly filed with the records of this office in the matter of the application of Thomas L. Lucas for enrollment as a citizen by inter-marriage of the Chectaw Nation.

Yours truly,

Commissioner in Charge.

Choc 5648

Josiah R. Fortson

Transferred from Choc

D 270 March 29, 1903

5648

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for enrollment as
a citizen by intermarriage of the Choctaw Nation of-

JOSIAH R. FORTSON, 7-D-270.

1.
D. 270

10

Commission to the Five Civilized Tribes,

McIntosh, Indian Territory.

In the enrollment of Josiah R. Norton, an intermarried Choctaw being sworn and examined by Commissioner McKennon he testifies:

Josiah R. Norton, sixty-seven years old.

Q When were you intermarried with a Choctaw citizen?

A In 1884.

Q What was her name? A Haden.

Q How long did you live with her? A About four months.

Q And separated from her? A Yes sir, she left me.

Q How you lived with her since? A No sir.

Q What was the cause of your separation? A I never knew any more only she seemed like she was tired of me and left me; if there was any cause I never knew what it was.

Q Was she a Fullblooded? A No sir.

Q What degree of blood was she? A About one-eighth I think.

Q Is she still living? A No sir.

Q Did she marry afterwards? A No sir.

Q How you married since? A Yes sir.

Q To a white woman? A Yes sir.

Q When? A I married in- I don't know the exact date of the marriage, it was about five years ago though.

Q She was a United States citizen, having no rights was she?

A Yes sir, she had no rights.

Department of the Interior,

Commission to the Five Civilized Tribes.

I have a true and correct copy of the foregoing in my official notes as stenographer to the named Commission. That this transcript is a true and correct translation of my stenographic notes.

M. J. Green

78270

Marriage Certificate
J. B. Foston
Alla to Howden

Marriage Certificate

This is to Certify That
I the undersigned have this day by the within
authority joined together by matrimony
J.R. Foster and Ella Howden in
testimony I hereunto attach my name in
presence of the undersigned witnesses this
19th March A.D. 1884

A. Barnhill

Minister of the Gospel

C. A. Choate

Robt. F. Turner

Benj. F. Hightower

M. E. Hightower

I Certify that the above
and foregoing Certificate of marriage
was filed for record in my office on
the 31st day of March 1884 and
recorded the same day and I
further Certify that the same is a true
Copy of the Original

W. R. Coleman
Clerk

Choctaw Nation
County of Iowakey } ss

I A. W. McClure, Clerk
in and for the County of Iowakey County C.N.
do hereby Certify that the above marriage
Certificate is a true and correct Copy of
the Original as recorded in Book A Page
237. In Testimony whereof I hereunto set my hand
Seal of the County as such clerk aforesaid
This the 13th day of Oct. A.D. 1896

A. W. McClure

County Clerk

COPY.

Choctaw D-270

Muskogee, Indian Territory, February 28, 1903.

Josiah R. Fortson,

Kiowa, Indian Territory,

You are hereby notified that the application for enrollment of yourself as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 7th day of April, 1903.

On said date, you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the Representatives of the Choctaw Nation will also at the same time be afforded any opportunity to introduce testimony affecting your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

(SIGNED).

T. B. Needles,
Commissioner in Charge.

Register.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of
Josiah R. Fortson for enrollment as
an intermarried citizen of the Choctaw Nation.

----D 270---

On the 28th day of February, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail that the application of Josiah R. Fortson for enrollment as a citizen of the Choctaw nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory on the 7th day of April, 1902, for final consideration.

Now, on this 7th day of April, 1902, this cause coming on to be heard pursuant to said notice, the applicant failed to appear either in person or by attorney, and the Choctaw Nation appeared by its attorneys, Mansfield, McMurray & Cornish, and submitted this case upon the record.

---O---

Harry C Risteen, being first duly sworn, upon his oath states, that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 7th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 10th day of April, 1902.

Wm. H. Caldwell

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. November 18, 1902.

7-B270

In the matter of the application of Josiah R. Fortson for enrollment as an inter-married citizen of the Choctaw nation.

Josiah R. Fortson being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Josiah R. Fortson.
Q What is your age? A Seventy.
Q What is your post office address? A Kiowa.
Q How long have you been a resident of the Choctaw Nation? A Twenty years.
Q Have you lived here continuously for the past twenty years?
A Yes sir.
Q Never have made your home anywhere else during that time?
A No sir.
Q Do you claim inter-married rights in the Choctaw Nation? A Yes sir.
Q What is the name of your Indian wife through whom you claim these rights? A Her maiden name? She was a White; her name was F.A. Howden or A.F. Howden; I think F.A.
Q Frances Howden? A I don't know exactly, it's Frances Ann or Ann Frances.
Q Was she a recognized citizen of the Choctaw Nation? A Yes sir.
Q When were you married to her? A In 1884.
Q Where was the marriage ceremony performed? A At her place; she had a place at that time ten miles up the river from Canadian.
Q In what Nation? A In Chickasaw Nation; no in the Choctaw Nation this side the river.
Q Were both you and your wife bona fide residents of the Choctaw Nation at the time of this marriage? A No, I was not a resident; I was a resident; I was living there.
Q Both of you were residents? A Yes sir.
Q Were you married in accordance with the tribal law? A Yes sir.
Q Did you obtain a marriage license? A Yes sir.
Q From whom? A From Krebs; Judge Krebs.
Q Judge of what County? A Tobuckay County.
Q How much did you pay for the license? A \$25.00.
Q Who performed the marriage ceremony? A An old gentlemen by the name of-- I forgot-- he was a Baptist minister, by the name of Barnell.
Q Were you ever married before your marriage to this woman? A Yes sir.
Q How many times? A Twice.
Q Were both of your former wives dead at the time of your marriage?
A Yes sir.
Q Was she ever married before her marriage to you? A Yes sir.
Q How many times? A Twice.
Q Both of her former husbands dead? A Yes; Turner was her first husband and Howden her second.
Q How long did you live with Frances? A About 4 months.
Q Did she die or were you separated? A She left me.
Q Have you since re-married? A Yes sir.
Q What is the name of your present wife? A Her name was Howe-Myers, she had been married twice too.
Q What was her full name? A I can't say.
Q When were you married to her? A In about '93 or '94; '93 I think.

A. J. R. F.

Q. Were you an applicant before this Commission in 1898 for admission to citizenship in the Choctaw Nation? A. Yes sir.

Q. Did you apply as an intermarried citizen? A. Yes sir.

Q. What was done with your application at that time? A. I supposed the Dawes Commission had it now.

Q. Was it granted or refused? A. It was granted as far as I know.

Q. Was your case ever taken to the United States Court? A. My case was appealed to the United States Court once, and when appealed they failed to file it in time to take effect.

Q. Was the appeal dismissed? A. Yes sir.

Q. Have you been married since that admission in 1898? A. No sir.

Q. Your marriage to this white woman was before that? A. I am not sure when it was '91 or '92.

Q. It was before this admission? A. Yes sir.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 15 day of December, 1902.

D. C. Rogers
Notary Public

7-D-270

L & D

J. R. Fortson

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Josiah R. Fortson as a citizen by intermarriage of the Choctaw Na-
tion.

- D E C I S I O N -

It appears from the census card record in this case that
Josiah R. Fortson appeared before the Commission at Hartshorne, In-
dian Territory, August 1, 1899, and made personal application for en-
rollment as a citizen by intermarriage of the Choctaw Nation. Fur-
ther proceedings were had in the matter of this application at Atoka,
Indian Territory, November 18, 1902.

It further appears from the records in the possession of
the Commission that on September 5, 1896, in the case entitled "J.
R. Fortson vs. the Choctaw Nation" (1896 Choctaw Docket "C", No. 435)
the applicant herein made original application to this Commission
under the provisions of the Act of Congress approved June 10, 1896
(29 Stats., 321) for admission to citizenship in the Choctaw Nation,
claiming his right thereto by virtue of his marriage with Asla
Howden, a recognized and enrolled citizen by blood of the Choctaw
Nation, and on December 2, 1896, the said Josiah R. Fortson was by
this Commission admitted to citizenship in the Choctaw Nation as a
citizen by intermarriage, from which decision of the Commission an
appeal was taken to the United States Court in Indian Territory on
February 2, 1897, which appeal was by judgment of said court on July
13, 1897, dismissed for the reason that said appeal was not prose-
cuted in the time allowed by law.

The evidence in this case further shows that the applicant
herein was a resident in good faith of Indian Territory on June 28,
1898 and had been for more than fifteen years prior thereto and that
his status as an intermarried citizen of said nation remained un-
changed from the date of his admission as such in 1896 up to and
including September 25, 1902.

It is, therefore, the opinion of this Commission that
Josiah R. Fortson should be enrolled as a citizen by intermarriage
of the Choctaw Nation under the provisions of the Acts of Congress
approved June 28, 1898 (30 Stats., 495) and July 1, 1902 (32 Stats.,
641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

J. R. Fortson
Acting Chairman.

C. R. Fortson
Commissioner.

Muskogee, Indian Territory,

MAR 1 1903

COPY.

Choctaw D-270

Muskogee, Indian Territory, March 13, 1903.

Josiah R. Fortson,
Kiowa, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 13, 1903, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED) *Tame Pixby.*

Chairman.

Registered.

Enc. IBS. 36

COPY.

Choctaw D-270

Muskogee, Indian Territory, March 13, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 13, 1903, granting the application of Josiah R. Fortson, for enrollment as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed, the name of the applicant will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tame Dixby.

Chairman.

Registered.

Enc. 135. 37

Chectaw 5648.

In the matter of the application
for the enrollment of Josiah R.
Portson as a citizen by inter-
marriage of the Chectaw Nation.

*Protet over ruled by
Department - March 31, 1904*

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED

FEB - 6 1904

[Signature]
CHAMAN.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Josiah R. Fortson as a citizen by intermarriage of the Choctaw Na-
tion, Choctaw Field No. 5648.

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that no further action be taken in connection with allotment of land to this person until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Preston Early, et al., vs. Choctaw and Chickasaw Nations, No. 64 on the South McAlester Docket, in which the said court will decide the question of the citizenship rights by intermarriage, if any, of those white persons who intermarried with citizens by blood of the Choctaw Nation not in accordance with the tribal laws, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.


Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

Muskogee, Indian Territory, March 5, 1901.

Hansfield, McWherry & Cornish,
Attorneys at Law,
South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 2nd instant, in which you desired to be informed if Josiah R. Fortson has been listed for enrollment as a citizen by intermarriage of either the Chectaw or Chickasaw Nations; and, if so, that you be furnished with the number of the card upon which his name appears and his post office address as the same appears of record.

We have to inform you that it appears from our records that on August 1, 1899, Josiah R. Fortson, sixty-seven years of age, appeared before the Commission and made application for enrollment as a citizen by intermarriage of the Chectaw Nation.

It further appears from our records that this applicant was admitted to citizenship in the Chectaw Nation by the Commission to the Five Civilized Tribes, under the Act of Congress of June 10, 1896, in Chectaw census number 488.

His post office address, as given at the time of his application is Kiowa, Indian Territory, and he appears upon our record upon Chectaw roll card, field number D-270.

Yours truly,

L. D. 270

Acting Chairman.

Chootaw D 270

Muskogee, Indian Territory, March 7, 1902.

Jesiah R. Fortson,
Kiewa, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 3rd instant, replying to our communication of February 28, 1902, advising that your application for enrollment as a citizen of the Chootaw Nation would be taken up for final consideration at the office of the Commission in Muskogee, Indian Territory, on April 7, 1902.

In your letter you state that you have no further testimony to introduce unless you are notified by the Indian Commission.

The Commission presumes that your reference to the Indian Commission is intended to mean the representatives of the Chootaw Nation and you are advised that if it is the intention of the Nation to introduce any testimony affecting your right to enrollment, the representatives of the Nation will be required to notify you of such intention before the Commission will hear such evidence as they may present.

You are further advised that as soon as practicable after April 7, 1902, the Commission will render its decision.

JUN 7 8

relative to your rights to enrollment as a citizen by intermarriage
of the Chinese Nation with such evidence as may have been submitted
up to that time.

Yours truly,

Commissioner in Charge.

COPIED
FILED
APR 11 1903

COOPY

S. C. No. 3472-1902

Klown, T. T. April 6th 6-30

Salook Dawes Commission
Mr. T. E. Hedges
Musabgee, Ind. Ter.

Dear Sir: I have not received any notice of any thing else from the Choctaws at this hour, you will please give me what the law entitles me to, by the evidence before you I am financially embarrassed and can not come. If I am notified by the Choctaws on between this & Monday I will telegraph you & come at once.

Respectfully,

J. B. Fortson

RECEIVED
APR 11 1903

Muskegee, Indian Territory, October 25, 1902.

J. R. Fortson,

Kiowa, Indian Territory.

Dear Sir:

Receipt is ~~herby~~ acknowledged of your letter of the 23rd instant, in which you desire to be advised if a decision has been rendered in your case and if it necessary for you to again appear before the Commission.

In reply to your letter you are advised that it appears from our records that Josiah R. Fortson, of Kiowa, Indian Territory, is an applicant for enrollment as an intermarried citizen of the Choctaw Nation. No decision has up to this time been rendered in the matter of such application.

You are further advised that on September 25, 1902, there was ratified by the citizens of the Choctaw and Chickasaw Nations, an agreement closing the rolls of the citizens of the Choctaw and Chickasaw Nations on that date.

The rolls are now being made by this Commission of the citizens of these two tribes will be as of September 25, 1902 and it is necessary that the Commission ascertain the status of all applicants for enrollment as intermarried citizens on the date of the final ratification of such agreement.

J R P

It will therefore be necessary that you personally present yourself before the Commission at one of the appointments specified in the circular enclosed you herewith, in order that your status as an intermarried citizen of the Choctaw Nation on September 25, 1902, may be determined.

Respectfully,

Commissioner in Charge.

Enc. circular

Chestaw-3448

Muskogee, Indian Territory, February 6, 1904.

Mr. Josiah R. Fortson,

Kiowa, Indian Territory.

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Chestaw and Chickasaw Nations, dated January 23, 1904, no further action will be taken in connection with the allotment of lands of the Chestaw-Chickasaw Nations to you until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Tr ID

7.

1899.

(Date)
 Josiah R. Fontson

No.

Page

215

7/2

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No.

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No

County _____ Year _____ Page _____ No. _____
 I admitted by James Com as J. P. Foster
 inter married citizen case # 1132.
 Intern married in 1884, separated in about
 4 mos. married US citizen 4 or 5 yrs ago

8270

Choc 5649

James G Doyle

Transferred from Choc D#268
March 30, 1903

5649

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

In the matter of the application for the enrollment as a
citizen by intermarriage of the Choctaw Nation of

JAMES G. DOYLE,

7 D 268

D. 161

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

In the enrollment of James G. Doyle as interviewed (Shawnee)
being sworn and examined by Commissioner William H. Harrison:

- Q Name is James G. Doyle, fifty-two years old.
Q What is your wife's name? A Maria Doyle.
Q When were you married to her? A In 1888.
Q She was a Cherokee citizen? A Yes sir.
Q You separated from her about two months after you married her?
A Yes sir.
Q How you separated? A He sir.
Q How she married? A Yes sir.
Q Why is it that you separated from her? A She got dissatisfied with me and where I was living, and just went off and left me and I couldn't get her to come back.
Q She has still been away from you all the time since that time?
A Yes sir.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, under my official seal as
Special Agent in Charge, Indian Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. Green

This to certify that I did
Solemnize the rite of matrimony
between Mr L. G. Taylor and
Minnie on the 18th

James B. Bryant

Recorded & Retained
Oct 1880 { }
James B. Bryant

Be it known that J. C. Boyle a certain
Whiteman citizen of the United States, have
been living within the limits of the Choctaw
Nation for the space of thirteen years and
the said J. C. Boyle have made and applica-
tion for a license to marry within the
limits of the Choctaw Nation and I
have this day examined his certificate and
finding it to be fully genuine according
to Law as the Law directs & there fore by
virtue of law vested in me have this day
cause and granted a license to the said
J. C. Boyle in accordance with the said

said Nation, done under my hand &
the being of public seal this 14th day of 1880
J. C. Boyle
Agent - Clerk
J. C. Boyle

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, November 19th, 1902.

Choctaw D 268.
Intermarried.

In the matter of the application of James G. Doyle for
enrollment as an intermarried citizen of the Choctaw Nation.

---Applicant represented by W.J. Horton, attorney
at law, South McAlester, I.T.---

James G. Doyle, having been first duly sworn, upon his
oath testifies as follows:

Examination by the Commission:

Q What is your name? A James G. Doyle.
Q What is your age? A Sixty three years old, I believe.
Q What is your post office address? A Kiowa, Indian Territory.
Q That is in the Choctaw Nation? A Yes sir.
Q How long have you been a resident of the Choctaw Nation? A I
think about thirty five years.
Q Have you lived here continuously for the past thirty five
years? A Yes sir.
Q Never made your home anywhere else during that time? A No sir,
well, I was one year in the Chickasaw Nation.
Q You have lived in the Choctaw and Chickasaw Nations for thirty
five years? A Yes sir.
Q Do you claim intermarried rights in the Choctaw Nation? A Yes sir.
Q What is the name of your Choctaw wife through whom you claim these
rights? A Minnie Schultz.
Q Is she a recognized and enrolled citizen of the Choctaw Nation?
A Yes sir.
Q Have her rights ever been questioned? A No sir.
Q When were you married to her? A I believe it was in 1880.
Q Where was this marriage ceremony performed? A Atoka county is
where I lived at that time.
Q How long did you live with this woman? A About two months.
Q At the end of that time were you separated? A Yes sir, she left
me of her own accord at the end of that time.
Q Did you procure a divorce? A No sir.
Q Was she divorced from you? A I suppose she was. I heard she
married another man; I heard that she was divorced in 1882.
Q What was the cause of this separation? A She got mad because
I sent her sister home that was living with us. I told her sister
to go home, and she my wife said you had as well drive me off as drive
her off; and the next morning they both got up very early and went
back home to their mother's which was one half mile from where I lived
and she never came back to me any more.
Q Since your separation from this woman have you remarried? A No sir.
Q You have been living single ever since she left you? A Yes sir.
Q Were you an applicant before this Commission in 1896 for admission
to intermarried citizenship in the Choctaw Nation? A Yes sir.
Q What action was taken on your case at that time? A I don't know
they received my marriage certificate and entered my name; I don't
know what was done about it. I suppose they enrolled me.
Q Don't you know what was done with that application? A No sir.
Q Never cared enough about it to inquire? A Well I never went before
the Commission--I did come before the Commission here but don't re-
member what was done.

James G. Doyle-----2.

Q Didn't you ever receive a notice from the Commission about what was done with your case? A No sir.
Q Was your case ever appealed to the United States Court? A No sir.
Q You are at present a bona fide resident of the Choctaw Nation?
A Yes sir.

Examination by Mr. Horton:

Q Were you ever served with a summons in any divorce case? A No sir, all I know about that is what I have heard.
Q What was the work you told this little girl to do before you told her to go home? A I told her to carry up some water and put it in a vessel for some chickens and she wouldn't do it, and I told her she had to go home.
Q Why did you tell her she had to go home? A Because she said she wouldn't do it.
Q How far did the little girl's mother live from you? A About half a mile or a little further.
Q How old was this little girl? A I suppose ten or twelve years old.
Q You say your wife and this little girl left you on the following morning? A Yes sir.
Q Did your wife ever come back to you? A No sir, I tried to get her to come back, and I tried to get her father to get her to come back, but she never did.
Q Did she return and get her clothing? A Yes, she came back while I was in the field making cotton and got her things she had there.
Q Were you housekeeping at that time? A Yes sir.
Q Did you continue to keep house? A Yes sir.
Q I will ask you if you ever mistreated her during the time you lived with her? A No sir, I never did. And I would like to state that I have always been recognized by the county officers as a citizen of the Choctaw Nation, and have served in various capacities as an officer of the Choctaw Nation--as a judge of county elections and clerk of elections.

---oOo---

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 19th day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 5 day of January, 1903.

Charles H. Hester

Notary Public

7 D 268

L & D

[Signature]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
James G. Doyle as a citizen by intermarriage of the Choctaw Nation.

DECISION.

It appears from the census card record in this case that James G. Doyle appeared before the Commission at Hartshorne, Indian Territory, on August 1, 1899, and made personal application for enrollment as a citizen by intermarriage of the Choctaw Nation. Further proceedings were had in the matter of this application at Atoka, Indian Territory, November 19, 1902.

It further appears from the records in the possession of the Commission that on September 7, 1896, in the case entitled "James G. Doyle vs. the Choctaw Nation" (1896 Choctaw Docket "C," number 334) the applicant herein made original application to this Commission under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321), for admission to citizenship in the Choctaw Nation, claiming his right thereto by reason of his marriage with Minnie Shultz, a duly recognized citizen by blood of the Choctaw Nation, and on December 2, 1896, the said James G. Doyle was by this Commission admitted to citizenship in the Choctaw Nation as a citizen by intermarriage, from which decision of the Commission no appeal was taken.

The evidence in this case further shows that James G. Doyle, the applicant herein, was a resident in good faith of Indian Territory on June 28, 1898, and had been for more than thirty years prior thereto, and that his status as a citizen by intermarriage of the Choctaw Nation remained unchanged from the date of his admission as such in 1896 up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that James G. Doyle should be enrolled as a citizen by intermarriage of the Choctaw Nation under the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[Signature]
Acting Chairman.

[Signature]
Commissioner.

[Signature]
Commissioner.

Muskogee, Indian Territory,
MAR 14 1903

[Signature]
Commissioner.

COPY.

Choctaw B 268

Washoe, Indian Territory, March 14, 1903.

James G. Doyle,

Kiowa, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission rendered March 14, 1903, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED,

Tamie Bixby

Chairman.

Registered.

Enc. BIV 53

Shoshone 3 292

COPY

Washoe, Indian Territory, March 14, 1903.

W. J. Norton,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission, rendered March 14, 1903, granting the application of James C. Doyle for enrollment as a citizen by intermarriage of the Shoshone Nation.

The Attorneys for the Shoshone and Mescalero Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Shoshone Nation. If at the expiration of that time, no protest has been filed, the name of the applicant will be placed upon the final rolls of the citizens of the Shoshone Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED,

James Birby

Chairman.

Registered.

Mar. 14 1903

Chester D 268

COPY

Washago, Indian Territory, March 14, 1903.

Manfield, McMurtry & Cornish,
Attorneys for the Cheate and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission rendered March 14, 1903, granting the application of James G. Doyle, for enrollment as a citizen by intermarriage of the Cheate Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Cheate Nation. If at the expiration of that time, no protest has been filed, the name of the applicant will be placed upon the final rolls of the citizens of the Cheate Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED).

Tams Dixby.
Chairman.

Registered.

Enc. INV 54

7-5649.

Muskogee, Indian Territory, May 8, 1903.

James G. Doyle,

Kiowa, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a citizen by intermarriage of the Choctaw Nation, you are requested to inform the Commission immediately as to the present name and address of your former wife, Minnie Shultz.

This matter should have your prompt attention as the information requested is necessary in the matter of your enrollment.

Respectfully,

Chairman.

7-3043

Muskogee, Indian Territory, May 18, 1903.

James G. Doyle,

Kiowa, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th instant, stating that the surname of your former wife is Trout or Treuth, and that her present post office address is Hallerman, Indian Territory.

You are advised that the above information has been made of record in the matter of your enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

Chairman.

Chestaw-5449

Muskogee, Indian Territory, February 6, 1904.

Mr. James G. Doyle,

Kiowa, Indian Territory.

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Chestaw and Chickasaw Nations dated January 23, 1904, no further action will be taken in connection with the allotment of lands of the Chestaw-Chickasaw Nations to you until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

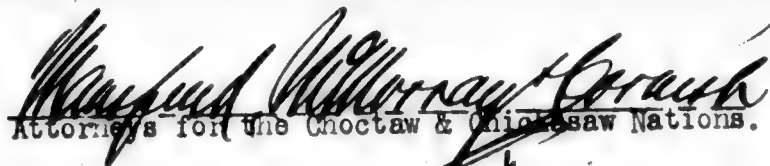
Commissioner in Charge.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
James G. Doyle as a citizen by intermarriage of the Choctaw Nation,
Choctaw Field No. 5649.

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that no further action be taken in connection with allotment of land to this person until final decision by the Choctaw and Chickasaw Citizenship Court in the case of B. F. Thompson vs. Choctaw and Chickasaw Nations, No. 38 on the South McAlester Docket, in which the said court will decide the question of the validity of that portion of the intermarriage laws of the Choctaw Nation providing for the forfeiture of citizenship of white persons who separate from their Indian spouses, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.


Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

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CORRECTION

**THIS DOCUMENT
HAS BEEN
REPHOTOGRAPHED
TO ASSURE
LEGIBILITY**

Choctaw-5649

In the matter of the application for the enrollment of James G. Doyle as a citizen by intermarriage of the Choctaw Nation.

*Protect overruled by
Department March 31, 1904*

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

FEB -6 1904




CHURMAN

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
James G. Doyle as a citizen by intermarriage of the Choctaw Nation,
Choctaw Field No. 5649.

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This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.


Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

MEMORANDA.

Hastings

(Date) *Aug 1* 1899.

Name *James G. Doyle*

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship *us*

Intermarried citizen? *yes*

Married under what law?

License filed this day,

Wife's name,

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

Admitted by James Com as intermarried citizen case #334 under name of J. G. Doyle. No appeal married in 1880, separated from wife after about 2 mos. Never lived with her since see his testimony. B 268

Choc 5650

Fannie Wallace

Transferred from Choc card

D 166 11-10-03

5650

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

The record in the matter of the application for the enrollment as citizens by blood of the Choctaw Nation of

FANNIE WALLACE, et al.,

7 D 166.

-----0-----

0166

Commission to the Five Civilized Tribes,
Goodland, Indian Territory.

In the matter of the enrollment of Fannie Wallace and her children as citizens by blood of the Choctaw Nation. Jesse H. Wallace, being sworn and examined by Commissioner McKennon, testifies as follows:

- Q What is your name? A Jesse H. Wallace.
- Q What is your age? A Thirty-three years.
- Q You are now the husband of Fannie Wallace? A Yes sir.
- Q Who was the daughter of Thomas C. Crowder? A Yes sir.
- Q Who claims Choctaw citizenship? Your wife's mother was then Cherokee? A Yes sir.
- Q You know whether she was enrolled as a Cherokee or not? A No sir.
- Q Is she still living? A No sir, dead.
- Q Do you know whether your wife has ever been enrolled in the Cherokee Nation? A No sir I don't think she has.
- Q Is she here? A No sir.
- Q How long have you been married to her? A Seven years.
- Q During that time has she claimed any rights in the Cherokee Nation? A No sir.
- Q Nor hasn't drawn any money there? A No sir.
- Q She is now twenty-six years old? A Yes sir.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. Green

72166

IN RE

Application for Enrollment of
INFANT CHILD.

Lucia B. Wallace

As a citizen of the

Cherokee

Nation.

Approved.....1.....

Commissioner.

~~2118~~

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Stella C. Wallace, born on the 24 day of February, 1898.
Name of father: J. H. Wallace, a citizen of the U. S. Nation.
Name of mother: Fannie Wallace, a citizen of the Choctaw Nation.

Post Office: Crowder
J. J.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, Fannie Wallace, on oath, state that I am 27 years of age and a
citizen, by Blood, of the Choctaw Nation; that I am the
lawful wife of J. H. Wallace who is a citizen, by _____, of the
_____ Nation; that a _____ child was born to me on the 24 day
of February, 1898; that said child has been named Stella C. Wallace
and is now living.

Subscribed and sworn to before me this 13 day of May, 1899

Fannie Wallace
H. W. Cotton
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, R. C. Bills, a Physician, on oath, state that I
attended on Mrs. Fannie Wallace wife of J. H. Wallace
on the 24 day of February, 1898; that there was born to her on said date a _____ child;
that said child is now living and is said to have been named Stella C. Wallace.

Dr. R. C. Bills
Subscribed and sworn to before me this 13 day of May, 1899

H. W. Cotton
Notary Public.

7-D 166

INDEXED

IN RE
THE DEATH OF

Stella C. Wallace

a citizen of the

Choctaw

Nation.

Approved DEC 6 - 1902 190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

DEC 6 1902

ACTING CHAIRMAN.

CHOCTAW.

D-#166.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Stella C. Wallace
(Here insert name of deceased.)
a citizen of the Choctaw Nation, who formerly resided at or near
Crowder, Ind. Ter., and died on the — day of
October, 1900.
(Here insert name of post office.)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Central District.

I, J. H. Wallace, on oath state that I am 36
years of age and a citizen, by —, of the United States Nation;
that my post office address is Crowder, Ind. Ter.; that I am
father of Stella C. Wallace,
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by blood, of the Choctaw Nation;
and that said Stella C. Wallace died on the — day of
October, 1900.
(Here insert name of deceased.)

WITNESSES TO MAKE:

(Must be Two
Witnesses.)

H. G. Hains
W. F. Leach

Subscribed and sworn to before me this 3 day of December 1902

H. C. Hains

Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Central District.

I, John Hunt, on oath state that I am 51
years of age, and a citizen, by —, of the United States Nation;
that my post office address is Crowder, Ind. Ter.;
that I was personally acquainted with Stella C. Wallace,
(Here insert name of post office.) (Here insert name of deceased.)
who was a citizen, by blood, of the Choctaw Nation;
and that said Stella C. Wallace died on the — day of
October, 1900.
(Here insert name of deceased.)

WITNESSES TO MAKE:

(Must be Two
Witnesses.)

John Hunt

Subscribed and sworn to before me this 3 day of December 1902

H. C. Hains

Notary Public.

L G D
7-D-166

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Fannie Wallace, Dora Wallace, Caldonia Wallace and Leona Wallace
as citizens by blood of the Choctaw Nation.

- D E C I S I O N -

It appears from the census card and other records in this case that Jesse H. Wallace appeared before the Commission at Goodland, Indian Territory, on May 9, 1899, and made personal application for the enrollment of his wife, Fannie Wallace, and her three minor children, Dora Wallace, Caldonia Wallace and Stella C. Wallace, as citizens by blood of the Choctaw Nation. Thereafter, on March 19, 1902, written application was made to the Commission for the enrollment as a citizen by blood of the Choctaw Nation of Leona Wallace, infant child of Jesse H. Wallace and Fannie Wallace, proper proof of the birth of said child on January 20, 1902, being filed with the Commission on the date of said application. On December 6, 1902, proof of the death of Stella C. Wallace was filed with the Commission.

The record in this case further shows that Fannie Wallace, the principal applicant herein, is the daughter of Thomas C. Crowder, a recognized citizen by blood of the Choctaw Nation, and Flora Crowder, a citizen by blood of the Cherokee Nation; that the said Fannie Wallace is the wife of Jesse H. Wallace, a non citizen white man, and that the minor applicants herein are the offspring of said union.

It further appears from the records in the possession of the Commission that on September 7, 1896, in the case entitled "Fannie Wallace vs. the Choctaw Nation" (1896 Choctaw Docket "C", number 1162-1/2) applicants Fannie Wallace, Dora Wallace and Caldonia Wallace (as Cladony Wallace) made original application to this Commission under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), for admission to citizenship in the Choctaw Nation, claiming their right thereto as citizens by blood of said Nation, and on December 7, 1896, the said Fannie Wallace, Dora Wallace and Caldonia Wallace (as Cladony Wallace) were by this Commission admitted to citizenship in the Choctaw Nation as citizens by blood of said Nation, from which decision of the Commission no appeal was taken.

On an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission the names of Fannie Wallace, Dora Wallace (as Laura Wallace) and Caldonia Wallace (as Cardonia Wallace) are identified upon the 1896 Choctaw census roll at page 362, as numbers 13814, 13815 and 13816, respectively. Applicant Leona Wallace having been born subsequent to the preparation of the last tribal roll of the Choctaw Nation is identified by affidavits of birth filed with the Commission and made a part of the record in this case.

Fannie Wallace, et al.-2

It further appears from the evidence in this case that applicants Fannie Wallace, Dora Wallace and Caldonia Wallace were residents in good faith of Indian Territory on June 28, 1898, all applicants listed upon census cards in 1899 being first examined as to such fact, although their testimony was not reduced to writing, and that applicant Leona Wallace was born subsequent to June 28, 1898, and her residence is considered that of her mother.

It does not appear from the records in the possession of the Commission that any of the applicants herein have ever been recognized or enrolled by the tribal authorities of the Cherokee Nation as citizens of said tribe in Indian Territory, nor does it appear that they have ever been listed by this Commission for enrollment as such.

It is, therefore, the opinion of this Commission that Fannie Wallace, Dora Wallace, Caldonia Wallace and Leona Wallace should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

It is further the opinion of this Commission that the application for the enrollment of Stella C. Wallace, who died prior to September 25, 1902, should be dismissed, under the provisions of Section 28 of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Chairman.


COMMISSIONER.


L. R. Beckwith.


W. E. Harvey.

Muskogee, Indian Territory,

MAR 26 1903

COPY.

Choctaw D. 166

Muskogee, Indian Territory, March 26, 1903.

Fannie Wallace,

Crowder, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission rendered March 26, 1903, granting the application made for the enrollment of yourself and your minor children, Dora Wallace, Caldonia Wallace and Leona Wallace as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of the decision in this case and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time, no protest has been filed, the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Jams Bixby.
Chairman.

Registered.
Enc. NEW 3.

COPY.

Choctaw D 166

Muskogee, Indian Territory, March 26, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission rendered March 26, 1903, granting the application made for the enrollment of Fannie Wallace and her minor children, Dora Wallace, Caldonia Wallace and Leona Wallace as citizens by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time, no protest has been filed, the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

Registered.

Enc. NEW 4.

IN RE

Application for Enrollment of
INFANT CHILD

Leona Wallace

as a citizen of

Choctaw

Nation.

Approved, MAR 19 1902. 190

[Signature]
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAR 19 1902

[Signature]

ACTING CHAIRMAN.

CHOCTAW
D166

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Leona Wallace, born on the 20 day of Jan, 1902.
(Here insert name of child)
Name of Father: J. H. Wallace, a citizen of the _____ Nation.
Name of Mother: Fanny Wallace, a citizen of the Choctaw Nation.
Post-office, Crowder D. S.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

Central District.

I, Fanny Wallace, on oath state that I am 30
years of age and a citizen, by birth, of the Choctaw Nation;
that I am the lawful wife of J. H. Wallace, who is a citizen, by
_____ of the Choctaw Nation, that a female child was
(male or female)
born to me on the 20 day of Jan, 1902, that said child has been
named Leona Wallace, and is now living.

WITNESSES TO MARK

(Must be Two
Witnesses)

Eli Crowder
J. N. May

Fanny Wallace

Subscribed and sworn to before me this 15 day of Mar, 1902.

Thomas D. McReynolds
NOTARY PUBLIC.
My Comm. exp. Apr. 27-1905

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

Central District.

I, Julia Crowder, a midwife, on oath state that I
attended on Mrs. Fanny Wallace, wife of J. H. Wallace,
on the 20 day of Jan, 1902, that there was born to her on
said date a female child; that said child is now living and is said to have been
(male or female)
named Leona Wallace.

WITNESSES TO MARK:

(Must be Two
Witnesses)Julia Crowder

Subscribed and sworn to before me this 15 day of Mar, 1902.

Thomas D. McReynolds
NOTARY PUBLIC.
My Comm. exp. Apr. 27-1905

Muscogee, Indian Territory,

August 18th, 1900.

Fannie Wallace,

Nowata, Indian Territory,

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs. Clemon, Wainfield, Murray, & Cornish, has filed with this Commission a notice of protest to your enrollment and the enrollment of Nora, Caldonia, and Stella C. Wallace as citizens of the Choctaw Nation.

The Commission, commencing December, 3rd, 1900, held a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-160.

Y- D 100

Wapokage, Indian Territory, March 10, 1908

J. H. Wallace,

Crowder, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Leona Wallace, the infant daughter of J. H. and Fanny Wallace, born July 20, 1902, and the same being in proper form has been accepted and filed as evidence of the birth of this child.

Yours truly,

Commissioner in Charge.

Huskaga, Indian Territory, February 3, 1908.

P. G. Reuter,

Clerk in Charge-Cherokee Land Office,
Vinita, Indian Territory.

Dear Sir:

It appears from the records of the Commission that Fannie Wallace, age 37, and her minor children, Dora Wallace, age 6, Caladenia Wallace, age 5, and Ethel G. Wallace, age 1, are applicants before this Commission for enrollment as citizens by blood of the Choctaw Nation, their names appearing on Choctaw doubtful card No. 100.

It further appears that the principal applicant is the daughter of Thomas G. Crowder, a recognized and enrolled citizen by blood of the Choctaw Nation, and Flora Crowder, now deceased, a citizen of the Cherokee Nation.

You are requested to advise the Choctaw-Chickasaw Enrollment Division as to whether any of the persons above named have been recognized or enrolled as citizens of the Cherokee Nation and whether any of them have ever made application to this Commission or been listed for enrollment as citizens of said nation.

Respectfully,

Acting Chairman.

7-5550

Muskogee, Indian Territory, July 8, 1905.

Jesse Wallace,

Hoswell, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 5, 1905, stating that your wife Fannie Wallace and your children have been approved and selected their allotments and you now desire to make application for your enrollment as an intermarried citizen of the Choctaw Nation.

In reply to your letter you are advised that it does not appear from the records of this office that application was made to the Commission to the Five Civilized Tribes prior to December 25, 1902, for your enrollment as an intermarried citizen of the Choctaw Nation and there is now no provision of law for the reception of original applications for enrollment in the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner.

7-5650

Muskegee, Indian Territory, October 30, 1906.

S. A. Downs,
Attorney at Law,
Roswell, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 24, 1906, inclosing amended application of Jesse Wallace for enrollment as an intermarried citizen of the Choctaw Nation stating that you will have him appear at this office soon for the purpose of testifying relative to his right to enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

Commissioner.

7-5650

Muskogee, Indian Territory, October 31, 1906.

S. A. Downs,
Attorney at Law,
Boswell, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 24, 1906, inclosing amended application of Jesse Wallace for enrollment as an intermarried citizen of the Choctaw Nation and stating that you will have him appear at this office soon for the purpose of testifying relative to his right to enrollment as an intermarried citizen of the Choctaw Nation.

Respectfully,

Commissioner.

Fannie Wallace

V 1162²

C N

Sept 7/96

Fannie W

Dora "

Cladony W

by blood

Dec 7/96 AS no appeal

Choc 5651

Nathaniel W. Smith

Transferred from Choc card

D 327 May 7, 1903.

5651

Choc 5651

Nathaniel W. Smith

Transferred from Choc. card

D 327 May 7, 1903.

5651

5651

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for enrollment as
a citizen by intermarriage of the Choctaw Nation of-

NATHANIEL W. SMITH, 7-D-327.

Commission to the Five Civilized Tribes,

Durant, Indian Territory.

In the enrollment of Nathaniel W. Smith as an intermarried
Choctaw; being sworn and examined by Com'r McKennon he testifies:

Q What is your name? A Nathaniel W. Smith.

Q How old are you? A Forty-seven.

Q When were you married to a Choctaw citizen? A Thirteen
years ago, the third of this month I believe.

Q That would be in '86? A Yes sir

Q How long did you live with her? A Until she died, about
eighteen months.

Q You then married a white woman afterwards, when? A About
two years ~~after~~ and a half or three years.

Q In what year did you marry a white woman? A In '89 I think

Q And she was a non-citizen? A Yes sir

Q Have you any children by your first wife? A No sir.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify upon my official oath as
steno-grapher to the Commission that this
translation is a true and correct translation of
my steno-graphic notes.

M. D. McKeen

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stifies:

rtten

about

About

9 I think

air.

103-7
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FILED
JAN 31 1901

[Signature]
ACTING CHAIRMAN.

Choctaw Nation
Blue County

To Whom these Presents
May come greeting

Know ye that this
Day Before me the undersigned
Authority appeared H. W. Smith a citizen
of the United States made Application
for License for the Express purpose of
Being united in the holy Bonds
of Matrimony Between himself and
Miss Margaret Garner a citizen of the
Choctaw Nation Now Therefore H. W.
Smith having complied with the Laws
of said Nation License is hereby
granted for the Express purpose above
named

This August 2^d 1886
L. D. Gardner
Co & Probate Judge B. C.

N

August 3^d 1886 Blue Choctaw Nation
This is to certify that I have this day
married H. W. Smith to Miss M. Garner
L. D. Gardner
L D

GREEN McCURTAIN, Chairman,
R. E. LEWIS,
R. J. WARD,
G. W. DUKES,
ROBT. TAYLOR,
J. C. FOLSOM,
J. C. HAMPTON,
A. TELLER, Clerk

Commissioners.

Citizenship Commission,

Choctaw Nation.

Atoka, I. T. July 14th 1898.

This is to certify that A. W. Smith is a regularly enrolled citizen of the Choctaw Nation by inter-marriage and as such is entitled to all the rights and privileges of a citizen of the Choctaw Nation; that his name appears in a book bound book kept for the enrollment of all citizens of the Choctaw Nation and labeled "Choctaw Citizenship Roll" on the back thereof.

Witness my hand at Atoka, I. T. this July 14, 1898.

Green McCurtain
Chmn, Cit. Commission.

Attest
A. Teller.

INDEXED. 70327

COMMISSION TO THE TRIBES.		
No.	RECEIVED	DATE
1264 1901	JAN 28 1901	

Smith, N. W.

Chief P. J.

Jan 21-1901

CHICKASAW

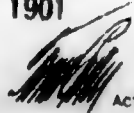
*Enclosing Certificate of enrollment
from Choctaw Enrollment Com. Also
marriage license, and wants to
know about his enrollment.*

File with Choctaw No. 327

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JAN 31 1901



ACTING CHAIRMAN

Ernest J. T. 1/21/1901
Hon. James Bixby.

Acty Chm Com to Five Civ Tribes
Muskogee I. T.

Dr Sir. I beg pardon in advance for claiming your time. When your Com began work in the Ter I sent in an app through an atty at Caddo a Mr Rappole. Never heard from it. Later on sent another through Telle & Chambers of Atoka. never heard from that. Both attys assured me that a certified copy of my License & certificate accompanied each app. the same being on Record with the proper authorities in the Choctaw nation. I appeared before your Com at Durant for enrollment. Mr Mc Kennon said that he had not my name but that he had Nail, W. Smith on his book and that he had no doubt that it was my name took my name and testimony & said the case would be investigated. Now it may be if applicants of my class are admitted to citizenship I may lose through a mistake not my own my name went in on the first app Nathaniel, W. Smith. on the second N. W. Smith. that is my recollection

I seen a few days since a notice from
your hand to an app of my class viz-
one whom the Choctaw authorities protest
against- that has married out- which
prompts me to write this, as I have
never had a word from the Com.
for or against me. I enclose cer-
tificate of Enrollment from the Choctaw
Citizenship Com. also my original mar-
riage licence and certificate. If I am
entitled to an answer from you should be
glad to receive it. would like to have
the papers back if you have no use for
them in the case

Very Respectfully N. W. Smith.
Hon. James B. Bixby.
Acting Chairman Dawch Com

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Tishomingo, Indian Territory, November 6, 1902.

In the matter of the application for enrollment of Nathaniel W. Smith as a citizen by intermarriage of the Choctaw Nation.

Said Nathaniel W. Smith, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Nathaniel W. Smith.
Q What is your age? A Fifty.
Q What is your postoffice address? A East, Indian Territory.
Q Do you claim right to enrollment as an intermarried citizen of the Choctaw Nation? A Yes sir.
Q Were you admitted to citizenship in the Choctaw Nation by the Dawes Commission in 1896? A I sent some papers up--I never knew whether I was admitted or not.
Q Was your case ever in the United States Court? A No sir.
Q Were you married in 1886? A Yes sir.
Q What is the name of your wife with whom you were living in 1886? A Margaret E. Garner was her maiden name.
Q Is she living? A No sir.
Q When did she die? A She died in 1897.
Q Have you remarried since her death? A Yes sir.
Q Whom did you marry after the death of your wife Margaret? A Harriet Spradling.
Q When did you marry her? A Five years after the death of my first wife.
Q Do you know the date of your marriage to Harriet Spradling? A The twenty-eighth of November.
Q In what year? A '93 I think--I am not positive of that--it was five years after the death of my first wife.
Q How long have you been living with Harriet Spradling as your wife? A I think it's eleven years.
Q Then, in 1896, six years ago, your wife's name was Harriet Smith? A Yes sir.
Q Is your wife Harriet still living? A Yes sir.
Q Are you living together as husband and wife? A Yes sir.
Q Have you been outside of Indian Territory to establish a residence or make a home within the last seven years? A No sir.
Q You say that you sent some papers to the Dawes Commission in 1896--do you know under what name you filed those papers at that time? A Nathaniel W. Smith, I think.
Q Do you have any entry by the name of Nathaniel W. Smith? A No sir. I have that name in the report that came out after that as an accepted citizen but I don't know that it was me.
Q The next year after that did you apply to the Dawes Commission for enrollment? A Yes sir. I applied through Mr. Chambers and his partner at that time--never had heard of the first papers and I sent them up again.
Q The last time you sent them up was in 1897, was it? A 1897 or 1898--it seems to me it was in 1898.
Q About a year after you filed the first papers? A A year or two years--I am not certain which.

See 5. Files, being first duly sworn, states that as stenographer

Witnessed by: Nathan E.

to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at its chambers, Indian Territory, November 5, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this 2nd day of November, 1902.

Charles H. H. H.

Notary Public.

7-D-327

L. S. D.
G. H. A.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Nathaniel W. Smith as a citizen by intermarriage of the Choctaw Na-
tion.

- D E C I S I O N -

It appears from the census card and other records in this case that Nathaniel W. Smith appeared before the Commission at Durant, Indian Territory, August 16, 1899, and made personal application for enrollment as a citizen by intermarriage of the Choctaw Nation. Further proceedings were had in the matter of this application at Tishomingo, Indian Territory, November 6, 1902.

It further appears from the records in the possession of the Commission that on September 7, 1896, in the case entitled "Nail W. Smith vs. the Choctaw Nation (1896 Choctaw Docket "C" No. 825), the applicant herein made original application to this Commission under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321) for admission to citizenship in the Choctaw Nation, claiming his right thereto by virtue of his marriage with Margaret Garner, a recognized citizen by blood of the Choctaw Nation, and on December 4, 1896, the said Nathaniel W. Smith was by this Commission admitted to citizenship in the Choctaw Nation as a citizen by intermarriage, from which decision of the Commission no appeal was taken.

The evidence in this case further shows that the applicant, Nathaniel W. Smith, was a resident in good faith of Indian Territory on June 28, 1898 and that his status as a citizen by intermarriage of the Choctaw Nation remained unchanged from the date of his admission as such in 1896 up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that Nathaniel W. Smith should be enrolled as a citizen by intermarriage of the Choctaw Nation, under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495) and July 1, 1902 (32 Stats., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

APR 22 1903

COPY.

Chester-D-227

Muskogee, Indian Territory, April 22, 1903.

Nathaniel W. Smith,

Muskogee, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission, rendered April 22, 1903, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

James Birby.

Chairman.

Registered

Dec. 1, 1902. 62

Cheetaw-D-327

COPY.

Muskogee, Indian Territory, April 22, 1903.

Mansfield, McMurray & Cernish,
Attorneys for the Cheetaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered April 22, 1903, granting the application of Nathaniel W. Smith for enrollment as a citizen by intermarriage of the Cheetaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Cheetaw Nation. If at the expiration of that time, no protest has been filed, the name of the applicant will be placed upon the final rolls of the citizens of the Cheetaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED).

James Birby.

Chairman.

Registered.

Enc. I.B.S. 63

Recorded August 15th A D 1886

G. H. Oaker
Circuit Clerk
3rd Dist C. N.

I do hereby Certify that this is
a true copy of the original marriage
License of H. W. Smith now on
record in the Circuit Clerk's office
of the 3rd Judicial Dist Choctaw
Nation Given under my hand
a seal of office this the 2nd day
of Sept A. D. 1897

P. P. Harris
Circuit Clerk
3rd Dist. C. N.

86

Marriage
Office
Law
and
Says
N.

Choctaw Station } Ex. "A"
Blue County }

To Whome these presents may Come
Greeting -
Know ye that this day before
me the Undersigned Authority
appeared N. W. Smith a citizen
of the United States made
Application for License for
the express purpose of being
united in the holy bonds of
matrimony between himself
and Miss Margrett Garner
a Citizen of the Choctaw Station
Now therefore N. W. Smith having
Complied with the Laws of said
Station License is hereby
Granted for the express purpose
above named this Aug 2nd 1886
J. I. Gardner
Co. & Probate Judge
Blue County C. T.

Aug 3rd 1886
Blue County Choctaw Station
This is to Certify that I have this day
married N. W. Smith to miss M Garner
J. I. Gardner, L. D.

Muskogee, Indian Territory, November 22, 1900.

Mansfield, McHurray & Cornish,

attorneys at law,

South McAlester, Indian Territory.

Sir:

The Commission is in receipt of your letter of the 14th instant in which you desire to be advised if Nathaniel W. Smith had been listed for enrollment as an intermarried citizen of the Choctaw or Chickasaw Nation; if so that you be furnished with the number of his card, his post-office address as it appears thereon, the name of the Indian woman through whom he claims and if it appears he has complied with the intermarriage laws.

You are informed that the records of this Commission show that Nathaniel W. Smith, 47 years of age, of East, Indian Territory was listed for enrollment August 10th, 1898 as a doubtful claimant to intermarried citizenship in the Choctaw Nation. In his examination given before the Commission at Muskogee at the time of his personal appearance, he stated that he was married to a citizen of the Choctaw Nation on the 1st day of August, 1886, that he lived with her until her death which was about eighteen months after their marriage and that about two years and a half or three years after her death he was married to a white woman, a non citizen. The name of the Choctaw woman through whom he claims his right to enrollment was Mrs. Margaret E. Warner.

The records of the Commission further show that under the act of Congress of March 3, 1899, at Muskogee, Indian Territory, he was listed as

EXHIBIT 2

Nathaniel W. Smith for intermarried citizenship in the Chectaw Nation claiming that he was married to Miss Margaret Garner, a Chectaw Indian by blood on the 3rd day of August, 1896. There is attached to this application the marriage license and certificate between N. W. Smith and Miss Margaret Garner of the 2nd of August, 1896 under the laws of the Chectaw Nation.

The master of the Chectaw Nation was filed to this application and the Commission admitted Nathaniel W. Smith as an intermarried citizen of the Chectaw Nation in 1896. It is not stated however, in the original application made in 1896 that his Chectaw wife died and that he had married a white woman prior to the making of that application, but in an application he made for enrollment to the Commission under an act of June 7th, 1897, and which was never passed upon by the Commission, he states that Mrs. Margaret N. Smith, nee Garner, died at the home of Gene Garner in the Chickasaw Nation on the 15th day of December, 1896, and it is not stated in this application made in 1897 that he had prior to making such application, married a white woman, non-citizen.

Yours truly,

Acting Chairman.

T-D-327

Waskogee, Indian Territory, February 1, 1901.

Nathaniel W. Smith,

Dept. Indian Territory

Dear Sir:

The Commission is in receipt of your letter of the 21st instant enclosing a certificate of Green McCurtain, Chairman of the Citizenship Committee as to N. W. Smith being a regularly enrolled citizen of the Choctaw Nation by intermarriage, dated July 15th, 1898. Also the marriage license issued by G. W. Gardner, County and Probate Judge of Blue County, Choctaw Nation, to N. W. Smith, a citizen of the United States to marry Margaret Gardner, a citizen of the Choctaw nation.

The same have been duly filed and will receive consideration in the matter of your application for enrollment as an intermarried citizen of the Choctaw Nation.

The records of the Commission show that under the act of Congress of June 10th, 1896, an application was filed by N. W. Smith through J. L. Rapelle for citizenship in the Choctaw Nation claiming such intermarried citizenship by reason of his marriage to Margaret Gardner.

Yours truly,

7-7-387

Acting Chairman.

MEMORANDA.

(Date) 1899.

Name Nathaniel W. Smith

Choctaw? yes County _____ Year _____ No. _____

Chickasaw? County Year Page

Citizen by blood? **Mother's citizenship**

Intermarried citizen? *Yes*

Married under what law?

License filed this day,

Wife's name,

Choctaw? _____ **County** _____ **Year** _____ **No.** _____

Chickasaw?	County	Year	Page

Citizen by blood? **Mother's citizenship**

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

County _____ Year _____ Page _____ No. _____

County	Year	Page	No.
Alameda	1901	1	1
Alameda	1902	1	1
Alameda	1903	1	1
Alameda	1904	1	1
Alameda	1905	1	1
Alameda	1906	1	1
Alameda	1907	1	1
Alameda	1908	1	1
Alameda	1909	1	1
Alameda	1910	1	1
Alameda	1911	1	1
Alameda	1912	1	1
Alameda	1913	1	1
Alameda	1914	1	1
Alameda	1915	1	1
Alameda	1916	1	1
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Alameda	1999	1	1
Alameda	2000	1	1
Alameda	2001	1	1
Alameda	2002	1	1
Alameda	2003	1	1
Alameda	2004	1	

County _____ Year _____ Page _____ No. _____

County	Year	Page	No.
--------	------	------	-----

County _____ Year _____ Page _____ No. _____

County _____ Year _____ Page _____ No. _____

County Year Page No.

County _____ Year _____ Page _____ No. _____

County _____ Year _____ Page _____ No. _____

County _____ Year _____ Page _____ No. _____

See case of Rail 11 Dec 1825
Daves Com record 1896 - It is the same
if the same person. See also application
for enrollment made in 1897.

See also his testimony DJ 327

Before the Commission to the Five Civilized Tribes.

In the matter of the claim of Nathaniel W. Smith for ^{Choctaw Citizenship} enrollment on the roll to be prepared by the Commission for the Choctaw Nation as a Citizenship roll.

The applicant would state for his claim for enrollment that he is 45 years old and that his Post Office is East I. T., Chickasaw Nation.

The applicant would further state that he is an intermarried citizen of the Choctaw Nation, having married Miss Margaret Garner, a Choctaw Indian by blood, on the third day of Aug. 1886, according to the laws of the Choctaw Nation governing the marriage of United States Citizens to female Citizen of the Choctaw Nation, all of which will be seen by a certified copy of the marriage License and marriage certificate filed herewith and made a part of this application and marked "Exhibit A"

The applicant would ask the Commission to place him on the roll prepared by them for the Choctaw Nation as a citizenship roll on the proof submitted herewith.

Subscribed and sworn to before me on this the 21st day of Aug. 1898

N. W. Smith
J. H. Repplier
Notary Public.

This is to certify that this is
a true copy of the original
Marriage License N. W. Smith now
on record in the Circuit Clerk's
office of the 3rd Judicial
Dist Choctaw Nation Given under
my hand and Official seal this
26th Day of August 1896

P. C. Harris
Circuit Clerk
3rd Judicial Dist
Choctaw Nation

Choctaw Nation.

Blue County.

To whom these
presents may come directing, know ye
that this day before me the undersigned
authority appeared N. W. Smith, a citizen
of the United States made application
for license for the Express purpose
of being united in the Holy Bonds
of Matrimony between himself
and Miss Margaret Garner
a citizen of the Choctaw Nation,
now Therefore N. W. Smith having
complied with the laws of said Nation
License is hereby ~~presented~~ granted for
the Express purpose above named.

This 2nd Aug. 1886

G. W. Gardner

Co. and Pro. judge
of B. C. C. N.

August 3rd 1886 Blue Co. Choctaw Nation

This is to certify that - I have this day
married N. W. Smith & Margaret
Garner, I. I. Gardner J. D.

Nathaniel W Smith
1/8
Choctaw Nation

825

Nath W. Smith
Choctaw Nation

Filed 7 Sept. 1896
H. M. Jacobson
clerk

Admitted as an
Indian citizen

Affidavit of George Ramsayer to be read as evidence before the Commission to the Five Tribes, in behalf of Nathaniel W. Smith for ^{Chectaw Citizenship} enrollment on the roll to be prepared by the Commission for the Chectaw Nation as a Citizenship roll.

The affiant after first being duly sworn deposes and says that his age is 52 and his Post Office is Colbert I. ~~Ar.~~

The affiant further states that he knows the applicant and knows that he married an Indian Citizen of the Chectaw Tribe by blood and that he lived wither her so long as she lived, and that he knows that he was married according to the law of the Chectaw Nation.

Subscribed and sworn to before me on this the 24 day of ^{Aug} 1896

L. S. Weaver
Notary Public.

Central District,
Indian Territory.

I, H. H. Folsom, do solemnly swear that
on the 31st day of August 1897, I saw a package registered at the
postoffice at Atoka, I. T., addressed to Gran McCurtain
Chief of the ^{Choctaw} ~~Cherokee~~ Nation, ^{Sans Bois} ~~Taliquah~~, I. T., that registry receipt
No. 73 received from the postmaster is hereto attached as a
receipt for said package, which contained true copies of the applicatio
of Sallie Eastmon and of the affidavits of G. R. Ramsey & David Turner
and Marriage Certificate, in support of same.
to be substituted

H. H. Folsom

Subscribed and sworn to before me this the 31st day of August, 1897

J. H. Chambers
Notary Public.

REGISTRY RECEIPT.			
Post Office at	<u>Atoka, I. T.</u>		
Registered Letter	No. <u>73</u>	Rec'd. <u>8/31</u>	189 <u>7</u>
of	<u>Gran McCurtain</u>		
addressed to	<u>Sans Bois, I. T.</u>		
	<u>J. H. Chambers</u> P. M.		

OFFICERS.
E. M. EVERIDGE, Judge.
D. A. HOMER, District Attorney.
P. C. HARRIS, Clerk.

Circuit Court, Third District,

TERMS OF COURT.
First Monday in February and second Monday in August.

Exhibit "A" Choctaw Nation.
P. C. HARRIS, Clerk.

{to be substituted}

Antlers, I. T., Aug 31 1897.

Mr A Telle
Atol ca
JY

Dear sir
Your letter to hand will say
that I have not got my
Record Book with me but
I will say that the License
is a record and I will send
them to you as soon as I get
home Court will break to day
I may go home to day I cannot
tell I can get them to you
by Friday I know
very Resp

P. C. Harris
Clerk

To the Hon. Commission to the Five Civilized tribes,

Fort Gibson, Indian Territory.

Your petitioner, N. W. Smith, a United States Citizen, states that on the 3rd., day of August, 1886, in Blue County, Choctaw Nation, Indian Territory, he was married, according to the Choctaw law of marriage at that time, to Miss Margaret E. Garner, a Choctaw citizen by blood.

In proof of said marriage is herewith filed a certified copy of the marriage License, the same being made a part hereof and marked

exhibit "A".

Your petitioner would further state that on the

15 day of December, 1888, Mrs. Margaret E. Smith, nee Garner, wife

of N. W. Smith, died at the home of G. Ramseyer, in the Chickasaw Nation, and that there was no issue born of this marriage.

In further proof of the marriage of N. W. Smith and Miss Margaret E. Garner, and of the Choctaw citizenship, by blood, of Miss Margaret E. Garner, is herewith filed the affidavits of G. Ramseyer, an inter-married citizen, and David Tunney, the same being hereto attached and made a part hereof and marked exhibits "B & C" respectively.

Your petitioner would further state that his postoffice address is Ennet, Indian Territory.

Wherefore the premises considered your petitioner would ask and pray that he be enrolled as an inter-married citizen of the Choctaw Nation, together with all the rights and privileges pertaining thereto.

Respectfully submitted.

N. W. Smith

Subscribed and sworn to before me this 27 day of August, 1897.

J. H. Chambers
Notary Public.

Chickasaw Nation, #
#SS.
Indian Territory. #

Ex "B"

Personally appeared before me the undersigned authority, a notary public, in and for the District aforesaid, George Ramseyer, an inter-married citizen of the Choctaw Nation, who being duly sworn according to law says, that he is an inter-married citizen of the Choctaw Nation, and that he is 42 years old and his post office is

Colbert, I. T. I know N. W. Smith, and I knew his wife during her lifetime. Her maiden name was Margaret E. Garner and she was a choo-

~~law Indian by blood, being the daughter of Robert and Martha Garner,~~

whose mother Martha Garner was a Choctaw Indian by blood, enrolled and recognised as such.

N. W. Smith and his wife Margaret Smith nee Garner, were married in Blue County and according to the Choctaw law of Marriage at that time, which was during the year ~~1886~~ 1886.

Margaret E. Smith, wife of N. W. Smith died at my home near Colbert in the Chickasaw Nation, during the month of December 1888, and there was no issue of this marriage.

I am not interested in anywise in this proceeding.

G. Ramseyer

Subscribed and sworn to before me this the 24 day of Aug., 1897.

Robert L. Ball

Notary Public.

Chickasaw Nation,[#]
#SS.
Indian Territory.##

Ex "B"

Personally appeared before me the undersigned authority, a notary public, in and for the District aforesaid, David Tunney, a citizen of the United States, who being duly sworn according to law, says, my name is David Tunney, I am 44 years old and my post office address is Colbert, I. T. I have lived in the Indian Territory for 30 years. I know N. W. Smith, and knew his wife during her lifetime. Her maiden name was Margaret E. Garner, and she was a Choctaw Indian by blood. I knew her father and mother, Robert and Martha Garner. Her mother Martha Garma was a choctaw Indian by blood, and so recognised. I know that N. W. Smith procured his marriage license according to the Choctaw law at that time from the fact that I was with him when he procured the same, and saw him pay \$25.00 therefor. I was not present at the marriage, but N. W. Smith and his wife Margaret E. Smith, nee Garner, lived neighbor to me during her lifetime. I am not interested in this case in anywise.

David Tunney
mark

Subscribed and sworn to before me this the 24 day of August 1897.

Robert L. Brea
Notary Public.

OFFICE OF
TELLE & CHAMBERS,
Attorneys-at-Law.

PRACTICE IN THE U. S. AND INDIAN COURTS
OF THE INDIAN TERRITORY.

SPECIAL ATTENTION GIVEN TO COLLECTIONS.
NOTARY PUBLIC IN OFFICE.

R. TELLE.
J. M. CHAMBERS.

ATOKA, IND. TER., Sept., 6th. 1897.

Commission to the Five Civilized Tribes,

Fort Gibson, I. T.

Gentlemen:-

Herewith enclosed please find marriage license of N. W.
Smith, which we hope you will file with the papers mailed to you on the
31st of Aug. In those papers you will find a letter explaining the
delay in this matter from P. C. Harris, Circuit Clerk, 3rd. District
Choctaw Nation.

Hoping this is satisfactory, we remain,
Yours, respectfully,

Telle & Chambers,

by *B.*

Choc 5652

Walton Hampton

Transferred from Choc #D339

4-10-03.

J

Commission to the Five Civilized Tribes,
Chickasaw,
Seminole, Indian Territory.

Aug. 21, 1899.

In the enrollment of Walton and Jesse Hampton as Cherokees,
Julius Q. Hampton being sworn and examined by Com'r McKenna,
testifies as follows:

Q What is your name? A Julius C. Hampton.

Q How old are you? A Thirty-nine.

Q What was your first wife's name? A Peggy Downing was her
name.

Q She was a Cherokee? A Yes sir.

Q Do you know whether she was ever enrolled as a Cherokee?

A She never did live there; she was born and raised here.

Q Do you know anything of her being enrolled there? A Yes
she must have been enrolled there; we drew the Strip Money.

Q Do you know whether she was enrolled prior to that time?

A No, I had it done myself.

Q You then don't know whether she was ever enrolled before that?

A I don't think she ever was, because they couldn't find her on
the roll; I had her enrolled when Joel Hayes was Chief, I think
that was in 1889, and a year or two after that this money was paid
out and we drew it. My mother-in-law got the money; I never
went back there myself any more; they refunded here during the
War; they called it re-admission; I have a certificate at home
showing that she was enrolled.

Department of the Interior

Commission to the Five Civilized Tribes.

I hereby certify that the foregoing is a true and correct
transcript of the deposition of Julius Q. Hampton, taken at
Chickasaw, Indian Territory, on August 21, 1899.

W. D. McKenna

A RESOLUTION
EXAMINING THE BLOOD CONNECTION
TO DETERMINE CERTAIN PERSONS
FITNESS TO BE
CITIZENS.

WHEREAS, The Senate Commission by its ruling in the enrollment of Cherokee citizens has decided that the children of women of other Indian blood who have marry a Cherokee citizen, are not entitled to enrollment as Cherokee citizens, but that such issue must take the status and citizenship of the mother, and

WHEREAS, Said ruling will, if adhered to, effect the rights and interests of a number of persons who have in good faith lived among the Cherokee people, who have accumulated property interests in such faith, and who have not heretofore been questioned as to their rights as citizens of this Nation, but who have always been recognized as Cherokee citizens by the authorities of said Nation,

THEREFORE,

BE IT RESOLVED by the General Council of the Cherokee Nation Assembled, That the Senate Commission is hereby requested to register and to enroll as Cherokee citizens by blood the following named persons, residents of the Cherokee Nation, except those marked inter-married, to wit:

Mary A. Freemy, re-admitted in the Cherokee Nation since 1860, Mother Cherokee; Ella Freemy; Robert C. Freemy; Ellis D. Freemy; all children of R. C. Freemy; and Rufus Talbot, half brother to Freemy Children.

Salmon J. Hower, mother Cherokee Indian; Minnie H. Hower, wife, inter-married; St. Clair Hower, child.

Addie A. Sage, daughter of Chas. Batts, mother Cherokee; John T. Sage; David B. Sage; Charles V. Sage; Wm. F. Sage; Ramsey B. Sage.

Walter Hampton, mother Cherokee, Jane Hampton.

Martha B. Ainsworth, daughter of R. C. Freemy, mother Cherokee; James C. Ainsworth, son of James T. Ainsworth.

Mary McDuff, Chas. L. McDuff; Emma McDuff; Robt. L. McDuff; A. J. McDuff, children of C. J. McDuff.

Addie McDuff Long, daughter of Rachel McDuff.

Felicia Darney, mother Greek.

Timothy L. Ward, Chas. A. Ward; Daisy Ward; Sara Ward; Wm. H. Ward, children of V. G. Ward.

Joseph E. Ward, son of W. S. Ward; Minnie Ward, inter-married wife, Agnes Ward.

Martin Fendree, daughter of Elias Ward and W. S. Ward; Howard Fendree, inter-married husband; Louis Ann Fendree; Sara Pearl Fendree.

Annie Dunn, daughter of Elias Ward and W. S. Ward; Lillian S. Dunn; Alfred E. Dunn; Arthur W. Dunn.

Robt. J. Ward, Jr., Ada E. Ward; Irene Ward; Frederick Ward; Gertrude E. Ward; Frank J. Ward, children of Robt. J. Ward.

Sarah Ward Culbertson, mother Charles, children of Robt. J. Ward; Elijah Ward Culbertson and Georgia C. Culbertson, children of Elijah W. Culbertson.

Sara Ward Smith; Esch Smith, inter-married husband; Mary F. Smith, Esch Smith.

Gleam Smith, Fannie Smith, infant, children of Freeman Smith.

BE IT FURTHER RESOLVED that a copy hereof be furnished the said Daves Commission by the National Secretary and this resolution shall take effect and be in force from and after its passage and approval.

APPROVED October 27th, 1900.

THIS IS TO CERTIFY, that the above and foregoing is a full, true and correct copy of the original Resolution of the Cheateau General Council passed at its regular session for October 1900, and approved by the Principal Chief in his official character, the same being now on file in the office of the National of said Nation.

IN TESTIMONY WHEREOF, I, Solomon J. Hower, have hereunto affixed my official signature and the seal of the Cheateau Nation, this the sixth day of December, One thousand Nine Hundred.

(Signed) Solomon J. Hower.

National Secretary,
Cheateau Nation.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 15, 1902.

.....
:: In the matter of the application ::
:: for the enrollment of Walton Hamp- :: D-339.
:: ton and Jene Hampton as citizens by ::
:: blood of the Choctaw Nation. ::
.....

On the 5th day of March, 1902, the principal applicant was notified by registered mail, and on the 8th day of March 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application for the enrollment of Walton Hampton and Jene Hampton, as citizens of the Choctaw Nation, would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 15th day of April, 1902, for final consideration.

Now on this 15th day of April, 1902, the said cause coming on to be heard, pursuant to said notice, the following proceedings were had.

APPEARANCES:

Julius C. Hampton, the : No appearance on behalf of the
father of the applicants. : Choctaw and Chickasaw Nations.
: :

Julius C. Hampton, being first duly sworn, upon his oath testifies as follows.

Examination by the Commission.

Q What is your name? A Julius C. Hampton.
Q What is your post office address? A Caddo.
Q What is your age? A I believe I am forty-two.
Q Did you make application here for your two children, Walton Hampton and Jene Hampton? A Yes sir.
Q How old is Walton Hampton? A Let's see-----he was born December 1868. He would be nearly fourteen years old wouldn't he? And the other one was born 1896.

(2).

- Q That is Jene, born in 1890? A Twelve years old. Be twelve in October, next October.
- Q You are the father of these children? A Yes sir.
- Q What are you? A Choctaw or non-citizen? A Yes sir.
- Q Choctaw? A Yes sir.

Reference is made to Choctaw roll card field number 3590, where this witness the father of these children, appears listed by the Commission for enrollment, together with his children by his second wife, and his second wife.

- Q Who was the mother of these two children, Walton and Jene Hampton? A Peggy Downing.
- Q Peggy Downing? A Yes sir.
- Q This Peggy Downing was her maiden name? A Yes sir.
- Q What relation was Peggy Downing to you? A My wife.
- Q She was your wife? A Yes sir.
- Q When were you married to Peggy Downing? A The 21st of February, 1888.
- Q Is she living? A She's dead.
- Q What was the name of Peggy Downing's father? A I am not sure, but I think his name was Ned.
- Q Is he living or dead? A He's dead. He died about 1865. '65 or '66.
- Q What nation did he belong to? A Cherokee.
- Q He was a Cherokee? A Yes sir.
- Q What was the mother of Peggy Downing? Was she a white woman? A She was a Cherokee.
- Q She was a Cherokee----what was her name? A Kilterbrand.
- Q Her maiden name was Kilterbrand? A Yes sir.
- Q She married Ned Downing? A Yes sir.
- Q What is her name? A Now?
- Q Yes, what is her name now? A Her name's Kinghorn now.
- Q Given name? Give the full name? A Jennie.
- Q Jennie Kinghorn. Is she living? A Yes sir.
- Q What is she? A Choctaw? A Cherokee.
- Q Cherokee? A Yes sir.
- Q Was your wife, during her lifetime-----your wife Peggy Downing, Peggy Hampton, during her lifetime, recognized by the Cherokee authorities or upon any of the Cherokee rolls? A Not that I know of.
- Q Is her mother who is now Jennie Kinghorn, ever been recognized as upon any of the Cherokee rolls that you know of? A No sir. I think she's tried here lately to get in on those rolls and failed. She had a daughter here yesterday and you all put them on the rolls. That's my wife's sister, Dyer.
- Q Do you know whether or not your wife's mother who is now Mrs. Kinghorn, ever drew any money from the Cherokees in any of their payments? A Only what she said.
- Q Only what she said? A Yes.
- Q Well, what did she say? A Well, she come up here to the Cherokee Council time of the payment, and she come back home and give me a check. Said that was the strip money.
- Q That was the strip money? A Yes sir.
- Q That was in 1894? A I reckon it was. I think it was about that time. I don't recollect just when.

(3).

- Q She come up here while the Council of the Cherokee Nation was in session? A No, it might have been a payment. It was over at Talequah for that's where she went.
- Q She went to old Taliqualah? A Yes sir, it might have been the payment instead of the Council.
- Q Well, they sometimes by act of Council paid the people. A Well, she told me that she went up there and struck old Judge Bryant, an old friend of hers, and she said he asked her what she was up there for, and she told him, and he went off and in a day or two he come back and give her this check.
- Q You say when she come back she gave you all this money? A Yes sir.
- Q What did she give you that for? For your two boys? A Yes sir.
- Q Has anybody ever applied for the enrollment of these two children as Cherokees? A No sir.
- Q These two boys Walton and Jene now live with you do they at your house? A Yes sir. I was up there one time and they give me a certificate showing that Peggy Downing had been registered.

The Cherokee Tribal rolls in the possession of the Commission have been carefully examined, and especially the 1894 Cherokee strip payment roll, upon which roll it is claimed the names of these children appear, and their names are not found on any of such tribal rolls, nor does it appear from any of the records in the possession of the Commission that these children have in any manner ever been recognized by the tribal authorities of the Cherokee Nation as citizens of that tribe.

- Q It appears from our records that your children have been recognized and enrolled upon the tribal rolls of the Choctaw Nation, and you also claim that they have been granted rights in the Cherokee Nation by participating in this 1894 strip payment made to the citizens of the Cherokee Tribe. Now under the act of Congress of June 28, 1898, do you elect for your two children, Walton and Jene Hampton to be finally enrolled by the Commission to the Five Civilized Tribes as citizens of the Cherokee or Choctaw Nation? A Why, I have always wanted them enrolled as Choctaws.
- Q Well, do you finally elect to have them enrolled as Choctaws? A Yes sir.
- Q In the event their enrollment is approved by Commission and by the Secretary of the Interior, as Choctaws, do you relinquish all rights, title and interest in and to the lands and other tribal property of the Cherokee Nation? A Well, yes.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 15, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 18 day of April, 1902.

Harmon C. Hallowell
Notary Public.

7 D 339
L 5D

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Walton Hampton and Jene Hampton as citizens by blood of the Choctaw
Nation.

DECISION.

It appears from the record herein that Julius C. Hampton
appeared before the Commission at Caddo, Indian Territory, August 21,
1899, and made personal application for the enrollment of his two
minor children, Walton and Jene Hampton, as citizens by blood of the
Cherokee Nation. Further proceedings were had in the matter of this
application at Muskogee, Indian Territory, April 15, 1902, when the
said Julius C. Hampton appeared and made application for the enroll-
ment of said children as citizens by blood of the Choctaw Nation.

It further appears from the evidence in this case and the
records in the possession of the Commission that Walton Hampton and
Jene Hampton, the applicants herein, are the children of Julius C.
Hampton, a duly recognized and enrolled citizen by blood of the Choctaw
Nation, and Peggy Hampton (nee Downing), deceased, a citizen by
blood of the Cherokee Nation.

On an examination of the tribal rolls of the Choctaw Nation
in the possession of the Commission, the names of Walton Hampton and
Jene Hampton (as Gene Hampton) are identified on the 1893 Choctaw
leased district pay roll, Atoka County, page 44, Nos. 462 and 463,
respectively. They are also identified on the 1896 Choctaw census
roll, Nos. 5843 and 5844, respectively, as duly enrolled citizens
by blood of the Choctaw Nation.

The evidence in this case further shows that the applicants
herein were residents in good faith of Indian Territory, on June 28,
1898, and had lived in said Territory all their lives prior thereto.

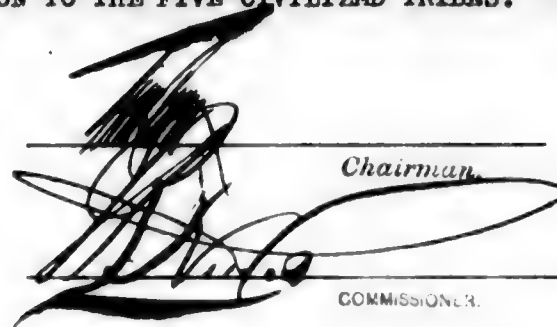
It further appears from the evidence submitted that Julius
C. Hampton appeared before the Commission at Muskogee, Indian Terri-
tory, April 15, 1902, and under the provisions of the Act of Congress
approved June 28, 1898 (30 Stat., 495), elected for his two minor
children, Walton Hampton and Jene Hampton, to be finally enrolled
and take allotment of lands and distribution of moneys with the
Choctaw Nation.

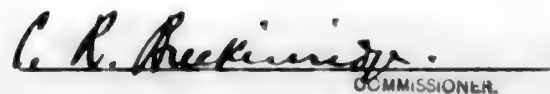
It is, therefore, the opinion of this Commission that Wal-
ton Hampton and Jene Hampton should be enrolled as citizens by blood
of the Choctaw Nation, under the provisions of section twenty-one of
the said act of Congress approved June 28, 1898, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

MAR 26 1903


Chairman
COMMISSIONER.


C. R. Beckwith
COMMISSIONER.


W. E. Starnes
COMMISSIONER.

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STANDARD CERTIFICATE OF DEATH

STATE OF OREGON
BOARD OF HEALTH - PORTLAND
PUBLIC HEALTH SERVICE

LOCAL REGISTRAR'S NUMBER: **0000** STATE FILE NO.: **HALETON** DATE RECEIVED: **2-26-1957**

1. NAME OF DECEASED (Type or print full name in block letters) 0000		3. USUAL RESIDENCE (If last, full, give residence before death) A. STATE Ore. B. COUNTY Washe	
2. PLACE OF DEATH A. COUNTY Seas		C. CITY TOWN (If outside corporate limits, so specify) Camp White	
D. NAME OF HOSPITAL (If not in hospital, give street address) Tolens Administration		E. LENGTH OF STAY IN 28 50 days	
4. DATE OF DEATH January 26, 1957		5. COLOR OR RACE W	
6. SOCIAL SECURITY NO. U.S.		7. MARITAL STATUS Married	
8. USUAL OCCUPATION Member		9. KIND OF BUSINESS OR INDUSTRY	
10. DATE OF BIRTH 10 22 88		11. NAME OF SPOUSE	
12. AGE LAST BIRTHDAY 69		13. IF DECEASED WAS A VETERAN, WHAT WAR? W.W.I.	
14. BIRTHPLACE (State or foreign country) Oklahoma		15. MAIDEN NAME OF MOTHER Perry Wright	
16. NAME OF FATHER Julius C. Haleton		17. INTERMEDIATE'S NAME AND RELATIONSHIP TO DECEASED VA Records	
18. CAUSE OF DEATH (Enter only one cause per line in (a), (b), and (c).) PART I: DEATH WAS CAUSED BY IMMEDIATE CAUSE (A) Acute dilatation of heart 1 hour			
PART II: (Enter only one cause per line in (a), (b), and (c).) DUE TO (B) Palmonary TBC, active, far advanced 1 year			
DUE TO (C)			
PART III: (Enter only one cause per line in (a), (b), and (c).) 21. If deceased was female, was there a pregnancy in the past 12 months? No			
22. Was an autopsy performed? No			
23. Was death result of: <input type="checkbox"/> Accident <input type="checkbox"/> Suicide <input type="checkbox"/> Disease <input type="checkbox"/> At Work <input type="checkbox"/> Not at Work			
24. IF ACCIDENT, DID INJURY OCCUR: <input type="checkbox"/> At Work <input type="checkbox"/> Not at Work			
25. PLACE OF INJURY (Such as Farm, Home, Forest, etc.)			
26. TIME OF INJURY			
27. DESCRIBE HOW INJURY OCCURRED.			
28. CERTIFICATE: I, WALLACE J. PLANKS, M.D. , Chief Medical Officer, VAD Camp White, Oregon 2/26/57 Do hereby certify that I have investigated the death of the deceased named above and that the cause of death was as stated above.			
29. RESERVED FOR REGISTRAR'S USE			
30. DECEASED WAS: <input checked="" type="checkbox"/> Native <input type="checkbox"/> Foreign <input type="checkbox"/> Adopted		31. DATE RECEIVED BY LOCAL REGISTRAR 2-26-1957	
32. REGISTRAR'S SIGNATURE John J. Riffly		33. FUNERAL DIRECTOR'S SIGNATURE AND ADDRESS Washburn, Oregon	

MARGIN RESERVED FOR PINNING
NOTE: PLAINLY WITH UNFADING INK—THIS IS A PERMANENT RECORD. EVERY ITEM OF INFORMATION SHOULD BE CAREFULLY SUPPLIED. DO NOT WRITE IN MARGINS. PHYSICIANS SHOULD STATE CAUSE OF DEATH IN PLAIN TERMS, SO THAT IT MAY BE PROPERLY CLASSIFIED.

Cheetaw D 339

COPY.

Mustagee, Indian Territory, March 26, 1903.

Julius C. Hampton,

Okla., Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 26, 1903, granting the application made by you for the enrollment of your two minor children, Walton Hampton and Jene Hampton, as citizens by blood of the Cheetaw Nation.

The attorneys for the Cheetaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the commission in enrolling the applicants herein as citizens of the Cheetaw Nation. If at the expiration of that time, no protest has been filed the names of the applicants will be placed upon the final rolls of the citizens of the Cheetaw Nation to be submitted to the secretary of the Interior for his approval.

Respectfully,
(SIGNED)

James Diney.

Chairman.

Registered.

Enc. DNV 52

Choctaw B 339

COPY.

Muskogee, Indian Territory, March 26, 1903.

Mansfield, McMurray & Gornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 26, 1903, granting the application made for the enrollment of Walton Hampton and Jene Hampton as citizens by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time no protest has been filed the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED,

James Bixby.
Chairman.

Registered.

Enc. MV 83

Waco, Indian Territory,

August 18th, 1900.

Walton Hampton,

Caddo, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, Murray, & Cornish, has filed with this Commission a notice of protest to your enrollment and the enrollment of Jene Hampton as citizens of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-339.

Washington, Indian Territory, September 22, 1900.

Walter Hampton,

Medo, Indian Territory.

Dear Sir:-

Since notifying you on August 12, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The objection raised, is as to your Cherokee blood.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the Commission at a date beginning December 1st, 1900.

The Commission will receive and consider any suggestions or questions at last submitted at the office of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.
ALLISON L. AVLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw D-339.

ADDRESS ONLY TO:
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory. March 4, 1902.

Walton Hampton,
Caddo, Indian Territory.

You are hereby notified that the application of yourself and
your minor brother, Jene Hampton,
for enrollment as citizen^s of the Choctaw Nation will be taken
up for final consideration by the Commission to the Five Civil-
ized Tribes, at its office in Muskogee, Indian Territory, on
the 15th day of April, 1902.

On said date you may, if you desire, appear before the Commis-
sion in person or by attorney when an opportunity will be given
you to introduce any additional testimony affecting said appli-
cation which you may think proper or necessary.

You are further notified that the representatives of the
Choctaw Nation will also, at the same time, be afforded an op-
portunity to introduce testimony affecting your right to en-
rollment, but said representatives will be required to notify
you of their intention to introduce such testimony before they
will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Register.

T. B. Needles.

Commissioner in Charge.

Muskogee, Indian Territory, September 9, 1903.

J. C. Hampton,

Caddo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 4th inst. relative to the enrollment of your minor children, Walton and Jena Hampton, as citizens by blood of the Choctaw Nation, stating that upon your recent appearance at the Land Office for the purpose of selecting allotments for them, you were informed that their names did not appear upon the rolls and you request to be advised relative to the matter.

You are advised that Walton and Jena Hampton have been enrolled by the Commission as citizens by blood of the Choctaw Nation and their names placed upon a schedule of the citizens by blood of said Nation now being prepared to be forwarded to the Secretary of the Interior.

Respectfully,

Chairman.

Choc 5653

William T. Smith

Transferred from Choc D346

5-7-03

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for enrollment as
a citizen by intermarriage of the Choctaw Nation of

WILLIAM T. SMITH, 7-D-346

Commission to the Five Civilized Tribes,

Caddo, Indian Territory.

In the enrollment of William T. Smith as an intermarried Choctaw; being sworn and examined by Com'r McKennon he states:

Q What is your name? A William T. Smith.

Q How old are you? A Forty-five.

Q You present here a license dated 26th day of March 1887 to marry Louvinia Bohanan, had you married this woman before that time?

A Yes sir.

Q How long before? A Three years.

Q Had you been divorced from her? A No sir.

Q You were not separated from her either? A No sir.

Q This then was a second marriage to your wife and her name was really Smith when you married her the last time? A First marriage it was.

Q This was in order to comply with the Choctaw law was it?

A Yes sir. I learned that it was required.

Q Is she living in the Territory? A Yes sir.

Q She is a recognized citizen? A Yes sir.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. Meen

Choc-

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Recorded in the Office of the
6th of April 1887
J. H. Oa

recd
E. W. Gardner

Dept. of the Interior

Jackson County
Choctaw Nation

Ind. Terr.

I, J. J. Williams, a Commissioned
Judge in and for the County of
Jackson. hereby Certify that I
solemnized the Rites of Matrimony
between H. T. Smith and Lavinia
Bohannon, on the 26th day of March
1887

James J. Williams

The Choctaw Nation
Jackson County

do hereby present as an
emitting below year that
W. J. Smith a citizen of the United
States having fully complied with
the Law of the Choctaw Nation in
Regard to the Marriage Law and
that any Judge or Minister of the
Gospel is authorized to join
the said W. J. Smith and Miss Lavina
Bohannon a citizen of the Choctaw
Nation in the Holy Bonds of Matrimony

Given under my hand
and seal of office this 24th day of
March 1887

J. J. Williams
County Judge of
Jackson County
Choctaw Nation

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, November 17, 1902.

7-D-346

In the matter of the application of William T. Smith for enrollment as an intermarried citizen of the Choctaw Nation.

William T. Smith, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A William T. Smith.
Q What is your age? A Forty eight.
Q What is your post office address? A Caddo, Indian Territory.
Q How long have you been a resident of the Choctaw Nation? A Twenty years.
Q Have you lived here continuously for the past twenty years?
A Yes, for nearly twenty two years.
Q Ever made your home anywhere else? A No sir.
Q Do you claim intermarried rights in the Choctaw Nation? A Yes sir.
Q What is the name of your Indian wife through whom you claim these rights? A Louvina Bohannon.
Q Is she a recognized and enrolled citizen of the Choctaw Nation?
A Yes sir.
Q When were you married to her? A In 1882 and remarried in 1887.
Q Where did the first marriage take place? A In Texas.
Q You were married under the laws of the state of Texas? A Yes sir.
Q When was the second marriage? A In 1887.
Q Under what law were you married at that time? A Choctaw law.
Q Did you obtain a marriage license? A Yes sir.
Q From whom did you obtain this license? A The County Judge.
Q Of what county? A Jackson county.
Q How much did you pay for that license? A Ten dollars I think was the fee when I married.
Q Were both you and your wife Louvina Bohannon at that time residents of the Choctaw Nation? A Yes sir.
Q Who performed the marriage ceremony? A James Williams, County Judge.
Q Were you ever married prior to your marriage to this woman?
A No sir.
Q Was she ever married prior to her marriage to you? A No sir.
Q Since your first marriage in 1882 have you lived together continuously as husband and wife? A Yes sir.
Q There has been no separation, abandonment or divorce? A No sir.
Q Are you at present living together as bona fide residents of the Choctaw Nation.

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings and in the above entitled

Y-D-346

cause on the 17th day of November, 1902, at Atoka, Indian Territory,
and that the above and foregoing is a full, true and correct trans-
cript of his stenographic notes of said proceedings on said date.

Harry C. Kistner

Subscribed and sworn to before me this 27 day of November, 1902

J. J. Barrick
Notary Public

127
7-D-346

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
William T. Smith as a citizen by intermarriage of the Choctaw Nation.

- D E C I S I O N -

It appears from the record herein that William T. Smith, on March 26, 1887, was married in accordance with the laws, customs and usages of the Choctaw Nation to Louvina Smith (nee Bohanan), a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as No. 10507 on the lists prepared by this Commission under the Act of Congress approved July 1, 1902 (32 Stats., 641) of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on February 4, 1903; that at the time of said marriage both persons above mentioned were residents in good faith of the Choctaw Nation and that they have lived together continuously in said nation as husband and wife from the date of said marriage up to and including September 25, 1902.

It further appears from the records in the possession of the Commission that on September 7, 1896, in the case entitled "W.T. Smith vs. the Choctaw Nation" (1896 Choctaw Docket "C", No. 784) the applicant herein made original application to this Commission under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321) for admission to citizenship in the Choctaw Nation, claiming his right thereto by virtue of his marriage with Louvina Bohanan, a recognized and enrolled citizen by blood of the Choctaw Nation, and on December 3, 1896, the said William T. Smith was by this Commission admitted to citizenship in the Choctaw Nation as a citizen by intermarriage, from which decision of the Commission no appeal was taken.

It is, therefore, the opinion of this Commission that William T. Smith should be enrolled as a citizen by intermarriage of the Choctaw Nation under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495) and July 1, 1902 (32 Stats., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

APR 22 1903

COMMISSIONER

COPY. Choctaw-D-346

Muskogee, Indian Territory, April 22, 1903.

Mansfield, McMurray & Gernish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered April 22, 1903, granting the application of William T. Smith for enrollment as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed, the name of the applicant will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

Dec. 1.3.5. 26

COPY.

Choctaw-D-346

Musogee, Indian Territory, April 22, 1903.

William T. Smith,

Caduo, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission, rendered April 22, 1903, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED).

Tarns Bixby.

Chairman.

Registered.

Enc. I.B.S. 55

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. HUNDLES,
C. R. BRIDGEMAN.
ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muscogee, Indian Territory,

August 18th, 1900.

William P. Smith,

Cadde, Indian Territory,

Dear Sir:

You are hereby notified that the Chectaw Nation, through its attorneys, Messrs McKennon, Mansfield, McHurray, & Cernish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Chectaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Ateka, Indian Territory. At that time both you and the Chectaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Tamm Bixby
Acting Chairman.

7-B-346.

Mustache, Indian Territory, September 18, 1900.

William F. Smith,

Padco, Indian Territory.

Dear Sir:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. But the Commission has, upon examination of its records, found that you were admitted as an intermarried citizen in 1886, under the act of Congress of June the 10th, 1896; your case being No. 784. No appeal having been taken from the decision of the Commission, its action at that time became final.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment of agents beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman

Mustang, Indian Territory, March 5, 1901.

Wassfield, McFarrey & Serrish,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 2nd instant, in which you desire to be informed if William T. Smith has been listed for enrollment as a citizen by intermarriage of the Choctaw Nation; and, if so, that you be furnished with the number of his card, and his post office address, as the same appears thereon.

We have to inform you that it appears from our records that on August 22nd, 1899, William T. Smith, forty-five years of age, appeared before the Commission and made application for enrollment as a citizen by intermarriage of the Choctaw nation; his post office address, as given at that time, was Gaido, Indian Territory.

It also appears from our records that William T. Smith was admitted as an intermarried citizen of the Choctaw nation by the Commission to the Five Civilized Tribes, under the Act of Congress of June 10, 1896, in Choctaw case number 784.

This applicant appears upon our records on Choctaw roll card, Field Number, 2-140.

Yours truly,

Acting Chairman.

7-2-340.

Cheetaw-D-141.

Muskogee, Indian Territory, July 18, 1904.

Armstrong & Hunter,

Boswell, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of July 9th, relative to the introduction of evidence in support of the application for the enrollment of Stephen Tarney.

In reply to your letter, you are informed that the Commission will hold an appointment at the Cheetaw Land Office, at Atoka, Indian Territory, September 6--7, 1904 and at the Chickasaw Land Office, at Tishomingo, Indian Territory, September 8--9, 1904 and it is suggested that Stephen Tarney and his witnesses appear at one of these appointments for the purpose of introducing testimony in support of his application for enrollment as a citizen by blood of the Cheetaw Nation.

Respectfully,

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, November 17, 1902.

7-D-346

In the matter of the application of William T. Smith for enrollment as an intermarried citizen of the Choctaw Nation.

William T. Smith, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A William T. Smith.
Q What is your age? A Forty eight.
Q What is your post office address? A Cadde, Indian Territory.
Q How long have you been a resident of the Choctaw Nation? A Twenty years.
Q Have you lived here continuously for the past twenty years?
A Yes, for nearly twenty two years.
Q Never made your home anywhere else? A No sir.
Q Do you claim intermarried rights in the Choctaw Nation? A Yes sir.
Q What is the name of your Indian wife through whom you claim these rights? A Louvina Behannon.
Q Is she a recognized and enrolled citizen of the Choctaw Nation?
A Yes sir.
Q When were you married to her? A In 1882 and remarried in 1887.
Q Where did the first marriage take place? A In Texas.
Q You were married under the laws of the state of Texas? A Yes sir.
Q When was the second marriage? A In 1887.
Q Under what law were you married at that time? A Choctaw law.
Q Did you obtain a marriage license? A Yes sir.
Q From whom did you obtain this license? A The County Judge.
Q Of what county? A Jackson county.
Q How much did you pay for that license? A Ten dollars I think was the fee when I married.
Q Were both you and your wife Louvina Behannon at that time residents of the Choctaw Nation? A Yes sir.
Q Who performed the marriage ceremony? A James Williams, County Judge.
Q Were you ever married prior to your marriage to this woman?
A No sir.
Q Was she ever married prior to her marriage to you? A No sir.
Q Since your first marriage in 1882 have you lived together continuously as husband and wife? A Yes sir.
Q There has been no separation, abandonment or divorce? A No sir.
Q Are you at present living together as bona fide residents of the Choctaw Nation.

Harry C. Risteen, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled

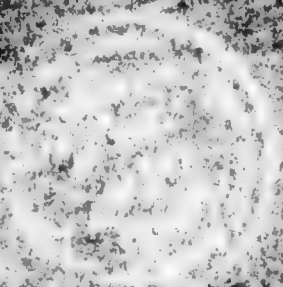
1-2-44

Attest: This 27th day of November, 1900, at Alaska, Indian Territory.

Harry H. H.

Subscribed and sworn to before me this 27th day of November, 1900.

J. J. H.
Notary Public.



Choc 5654

Charles W. Seago
(Seago)

Trans from Choc # D365

4-10-03

5654

Commission to the Five Civilized Tribes,
Caddo, Indian Territory.

In the enrollment of James D. and Selina E. Betts as Choctaws;
Charles W. Sego being sworn and examined by Com'r McKeanon states:

- Q What is your name? A Charles W. Sego.
Q How old are you? A Thirty-three.
Q Did you know James E. Betts? A Yes sir.
Q Was he a Choctaw citizen? A Yes sir.
Q Did you know Mollie, his wife? A Yes sir.
Q She was a white woman? A Yes sir.
Q Did you see them married? A Yes sir.
Q Where? A In the Choctaw Nation.
Q About how long ago? A It has been- 1888 I think it was.
-

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify upon my official oath as
stenographer to the named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

W. D. Green

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
stenographer to above named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

Commission to the Five Civilized Tribes, *M. W. Allen*

Caddo, I. T. Aug. 24, '99.

In the enrollment of Addie A. Sego as a Choctaw; being sworn
and examined by Com'r McKennon she testifies as follows, to-wit:

Q What is your name? A Addie A. Sego.

Q How old are you? A Thirty.

Q Your mother was a Cherokee? A Yes sir.

Q Did she live in the Cherokee Nation? A She moved back
there and lived there about six years.

Q When did she first come to the Choctaw Nation? A About the
time of the War.

Q And remained here how long? A I couldn't tell; she went
back to the Cherokee Nation then when I was about six years old.

Q Did she live there then until her death? A Yes sir.

Q When did she die? A She died in 1885 I believe.

Q Was she on the rolls there up to the time of her death? A Yes
sir.

Q When were you born, - what year? A I was born in 1869.

Q Were you on the rolls of the Cherokee Nation? A Yes sir,
while I was there.

Q Did you draw money there? A No sir.

Q Never did? A Yes sir, I drew a little there while I was
there, but I have not got any of that that was drawn since I come
back to the Choctaw Nation.

Q Did anybody draw it for you? A No sir.

Q Did you draw any of the Strip money? A No sir, they knocked
me out because I wasn't living there.

Q When did you leave there? A I left there in 1886.

Q And came back to the Choctaw Nation? A Yes sir, my father
brought me back here, - he was a Choctaw.

Department of the Interior,
Commission to the Five Civilized Tribes.

At a public hearing held at the Cherokee Nation, Oklahoma, on August 24, 1904, before the undersigned Commissioner, Addie A. Sego, a Cherokee, was examined and testified as follows:

Commissioner to the Five Civilized Tribes.

Oswego, I. T. Aug. 24, 1904.

In the enrollment of Addie A. Sego as a Cherokee, she was examined and testified as follows, to-wit:

Q What is your name? A Addie A. Sego.

Q How old are you? A Thirty.

Q Your mother was a Cherokee? A Yes sir.

Q Did she live in the Cherokee Nation? A She moved back there and lived there about six years.

Q When did she first come to the Cherokee Nation? A About the time of the war.

Q And remained here how long? A I couldn't tell; she went back to the Cherokee Nation then when I was about ten years old.

Q Did she live there then until her death? A Yes sir.

Q When did she die? A She died in 1866 I believe.

Q Was she on the rolls here up to the time of her death? A Yes sir.

Q When were you born, what year? A I was born in 1874.

Q Were you on the rolls of the Cherokee Nation? A Yes sir, while I was there.

Q Did you draw money there? A No sir.

Q Never did? A Yes sir, I drew a little there while I was there, but I have not got any of that that was drawn since I came back to the Cherokee Nation.

Q Did anybody draw it for you? A No sir.

Q Did you draw any of the strip money? A No sir, they knocked me out because I wasn't living there.

Q When did you leave there? A I left there in 1894.

Q And came back to the Cherokee Nation? A Yes sir, my father brought me back here, he was a Cherokee.

Mr Edward C. ...
Record ...
J. J. Gardner ...
S.C.C. Durand

70365

Given under my hand and
Seal this 19th day of October
A.D. 1888

J. J. Gardner
County and probate
Clerk of Blue Creek
Notion

Done this at Caddo seat of
County & probate court of Ind.
on the 19th day of Oct. A.D. 1888

This is to certify that I have this
day solemnized the marriage
of C. H. Seay & A. H. Smith
This Oct 3rd A.D. 1888

P. De ...
S.

Recorded in Record Book on pp 243
E. H. Covindge
Circuit Clerk & Judicial
dist. Ct

To any Judge or minister of Gospel
within the Choctaw Nation you are
hereby authorized to solemnize the Rite
of Matrimony between C. W. Seagar and
Addie Betts a citizen of the United States
And Addie Betts a female citizen of
the Choctaw Nation he the said C. W.
Seagar having fully complied with the
Licenses are duly issued to him and
the parties are of legal and lawfull age
This 19th day of Oct, A.D. 1888

This is to Certify That C. W. Seagar and
Miss A. B. Betts were united in the
bonds of Matrimony at the Court House
and the date above mention Blue County
Choctaw Nation

I do solemnly swear that I will honor
obey and submit to the Constitution and
laws of the Choctaw Nation and will neither
claim nor seek from the United States
Government or from the Judicial Tribunal
thereof any protection privilege or redress in
compatible with the same as guaranteed
to the Choctaw Nation by the Treaty stipula-
tion entered into between them...

So help me God.

C. W. Seagar

70365

20

IN RE

Application for Enrollment of
INFANT CHILD.

Henry D. Leger

As a citizen of the

Doctor

Nation.

Approved

1

Commissioner.

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
 of Ramsey D. Seago, born on the 17 day of April, 1898.
 Name of father: C. W. Seago, a citizen of the Choctaw Nation.
 Name of mother: Addie Seago, a citizen of the Choctaw Nation.
 Post Office: Caddo Co. Ark.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,
Cent. District.

I, Addie Seago, on oath, state that I am 30 years of age and a
 citizen, by blood, of the Choctaw Nation; that I am the
 lawful wife of C. W. Seago who is a citizen, by intimation of the
Choctaw Nation; that a male child was born to me on the 17 day
 of April, 1898; that said child has been named Ramsey D. Seago
 and is now living.

Subscribed and sworn to before me this 21st day of August, 1899.

Chas. M. McNamee
 Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,
Cent. District.

I, Mary A. Dameron, Midwife, on oath, state that I
 attended on Mrs. Addie Seago, wife of C. W. Seago
 on the 17 day of April, 1898; that there was born to her on said date male child;
 that said child is now living and is said to have been named Ramsey D. Seago.

Subscribed and sworn to before me this 21st day of August, 1899.

Mary A. Dameron
Chas. M. McNamee
 Notary Public.

IN RE

Application for Enrollment of
INFANT CHILD.

John May Sago

As a citizen of the

Choctaw Nation.

MAY 24 1900

Approved

1

[Signature]

Commissioner.

FILED

APR 13 1900

COMMISSION TO FIVE TRIBES.

Chio.
365.

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
Addie Mayo Sego, born on the 22 day of February, 1900.
 Name of father: Chas. Sego, a citizen of the Choctaw Nation.
 Name of mother: Addie Sego, a citizen of the Choctaw Nation.
 Post Office: Caddo, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,
Caddo District.

I, Addie Sego, on oath, state that I am 29 years of age and a
 citizen, by blood of the Choctaw Nation; that I am the
 lawful wife of Chas. Sego who is a citizen, by intermarriage of the
Choctaw Nation; that female child was born to me on the 22 day
February, 1900; that said child has been named Addie Mayo Sego,
 and is now living.

Subscribed and sworn to before me this 10th day of April, 1900

Addie Sego

Chas. Sego
 Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,
Caddo District.

I, M. A. Dawson, midwife, on oath, state that I
 attended on Mrs. Addie Sego, wife of Chas. Sego
 on the 22nd day of Feb, 1900; that there was born to her on said date female child;
 that said child is now living and is said to have been named Addie Mayo Sego.

Witness:
Chas. Sego
Chas. Sego

M. A. Dawson

Subscribed and sworn to before me this 10th day of April, 1900

Chas. Sego
 Notary Public.

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Written Argument in case of
Charles W. and Addie A. Sego
and their minor children.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

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[Signature]

ACTING CHAIRMAN

Written argument of Addie A. Sego for herself and her husband and their five minor children, namely: John T., David E., Charles W., William F., and Ramsey D. Sego.

The parties hereto for their right fee enrollment on the Choctaw rolls of the Choctaw tribe of Indians by blood, would state that Addie A. Sego, wife of Charles W. Sego, and mother of the above named five minor children is both a Choctaw and Cherokee Indian. Addie A. Sego's mother was a Cherokee Indian by blood, and her father C. E. Betts was a Choctaw Indian by blood, and was duly enrolled as such, on all the Choctaw rolls made prior to his death, and he lived with the Choctaw Nation or tribe of Indians, and Addie A. Sego his daughter was born and married in the Choctaw Nation or tribe of Indians.

Addie A. Sego, daughter of C. E. Betts was married to Charles W. Sego, a white man, under the laws of the Choctaw Nation governing the marriage of white men to Choctaw women, in the Choctaw Nation, where they have lived since, rearing their family, in the Choctaw tribe, where they have improved homes, and not elsewhere.

Addie A. Sego and all of her children that was born in 1893 were duly enrolled in the Choctaw Nation as a member of the Choctaw tribe as they were again in 1896, and they drew their part of the "Lease District money" in 1893.

Under Act of Congress of June 28th 1898, and known as the "Curtis Bill" section 21 of said act, it provides: "The several tribes may by agreement, determine the right of persons who for any ~~other~~ reason claim citizenship in two or more tribes, and allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distribution, and not elsewhere."

Under that law Addie A. Sego, her husband and their minor children

could be enrolled in the Choctaw Nation or tribe of Indians only, for the reason the tribes have not made an agreement as to the rights of persons living in one Nation and claiming rights in two or more, and the Choctaw tribe is the ^{one} ^{which} she resides, and to make it more strong for her and her husband and minor children, the Choctaw tribe is the one she elects, for the allotment of herself and husband and minor children.

Addie A. Sego, her husband and their minor children could not be enrolled in the Cherokee tribe for the reason they have not complied with section 21, of the Act of Congress of June 28th 1898, for the reason they have not "removed to and in good faith settled" in the Cherokee Nation or tribe of Indians.

Addie A. Sego, did not draw any money in 1893 or 1894 in the payment of the Cherokee's known as the "Cherokee Strip money" she has never drawn any money from the Cherokee Nation or tribe of Indians, except her part of an estate from her mother, in what is known as the "Old Settlers payment"

None of the minor children herein named, were ever enrolled on any of the Cherokee rolls nor ever drew any money from the said Cherokee Nation or tribe of Indians.

Under section 21 of the Act of Congress of June 28th 1898, Addie A. Sego has a right to elect the tribe with which she will take her allotment and distribution, there being no agreement between the tribes as to where she shall take her allotment, she elects the Choctaw Nation for herself and her husband and their minor children, as the tribe they will be enrolled as citizens.


Attorney for Addie A. Sego,

Charles W. Sego and their minor children.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, February 14, 1901.

In the matter of the application for enrollment as citizens of the Choctaw Nation of Charles W. Sego, his wife, Amanda Sego, and their six minor children; also their right to election to be finally enrolled as citizens of the Choctaw Nation, under the provisions of the Twenty-first section of the Act of Congress of June 28th, 1898. The said Charles W. Sego, having been first duly sworn, testified as follows:

Examination by the Commission.

What is your name? A Charles Wesley Sego.
Q How old are you? A Why, I am thirty-six years old.
Q What is your post-office address? A Caddo.
Q Are you a citizen of the Choctaw Nation? A By marriage.
Q You are a white man are you? A Yes sir.
Q What is your wife's name? A Her maiden name?
Q No; what is her name? A Amanda Addie Sego.
Q Is she a citizen of the Choctaw Nation? A Yes sir.
Q By blood? A By blood.
Q Citizen of any other Nation? A Yes sir.
Q What other Nation? A Cherokee.
Q How did she become a citizen of the Cherokee Nation? A
By blood.
Q Citizen of both Nations by blood, is she? A Yes sir.
Q How do you account for that? A Why, her father was a
Choctaw, and her mother was a Cherokee.
Q What was her father's name? A Charley Betts.
Q What was her mother's name? A Katie Robbins, I think.
Q How long have you lived in the Choctaw Nation? A I have
lived in the Choctaw Nation, - let me see - about fifteen years, I
guess.
Q How long have you known your wife? A I reckon it was
thirteen years this last June.
Q She always lived in the Choctaw Nation as long as you have
known her? A As long as I have known her, yes sir; I get acquaint-
ed with her there.
Q Was you married to her in accordance with Choctaw laws?
A I was.
Q When? A In 1888. You have got the license here.
Q Who was James D. and Selina E. Betts? A My wife's half
brother and sister.
Q Who was their mother? A Their mother was Winton.
Q What is her full given name? A Mollie E. - M.E. Betts.
Q Was she a citizen of the Choctaw or Cherokee Nations? A
No sir.
Q The children have no Cherokee blood then at all? A None at
all that I know of.

The records of the Commission examined, and on Choctaw
roll card, Field Number D-365, appear the names of
Charles W., Addie A., John T., David E., Charles W.,
William F., Ramsey D. and Ida May Sego; also, the
name of James D. and Selina E. Betts.

The testimony taken in this case applies to Charles W.

Charles W. Sego, et al., 2--.

Sego, his wife, and their children, and not in any manner to the application for enrollment as citizens of the Choctaw Nation of James D. and Selina E. Betts.

It further appears from the records in possession of the Commission that Charles W. Sego, his wife and their first four children were identified by the Commission at the time of the application made for their enrollment as citizens of the Choctaw Nation from the 1896 Census Roll, and that there has been filed with the evidence sufficient evidence as to the birth of their two children, Ramsey D. and Ida May Sego. The application made for their enrollment was at Caddo, Indian Territory, on August 25, 1899. On February 14, 1901, an application was made for these same parties for enrollment as citizens of the Cherokee Nation, and from an examination of the rolls of the citizens of the Cherokee Nation in possession of the Commission, the only one of the applicants who could be found on any of such rolls was Amanda A. Sego, who was placed on the 1880 authentic Cherokee roll as A. A. Betts.

(Witness Excused.)

Amanda A. Sego, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

Q What is your name? A My name? Amanda Addie is my right name; they put it down A.A.

Q Well, what is your full name? A Amanda Addie.

Q Amanda Addie what? A Sego.

Q How old are you? A Thirty years old.

Q What is your post-office address? A Caddo, Choctaw Nation.

Q You and your children, John T., David E., Charles W. Jr., William F., Ramsey D., and Ida M. Sego, have been residents of the Choctaw Nation for how long? A How long have I been there? Since

Q Yes? A Well, I have been there ever since I was sixteen years old.

Q Were all your children born in the Choctaw Nation? A Yes sir.

Q Your father was a Choctaw Indian was he? A Yes sir.

Q What was your mother? A She was a Cherokee; part Cherokee, I don't know how much.

Q Have any of these children ever lived in the Cherokee Nation? A No sir.

Q Ever receive any money as Cherokees? A No sir.

Q Have you ever received any money from the Cherokee Nation? A No sir; only that old settlers money that come to my mother.

Q When was that? A Well, I don't know.

Q How much did you get? A One hundred and nineteen dollars for my part.

Q How long was that? A Its been about four or five years ago last summer.

Q Where did you draw that? A At Checotah.

Charles W. Sego et al., 3----

Q Your purpose is now appearing before the Commission is to elect for yourself and your children to be enrolled as citizens of either the Choctaw or Cherokee Nations, is that it? A Well, I want to be citizens of the Choctaw Nation. My children aint enrolled in the Cherokee Nation.

Q The Twenty-first Section of the Act of Congress of June 28, 1898, contains the following provisions:

"Then several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere".

Now you want to elect under the provisions of this Act, for your self and your children? A Well, I don't know; I don't understand law. I want my home in the Choctaw Nation.

Q You want your children to be finally enrolled and take their allotment in the Choctaw Nation? A Yes sir.

Q In the event the Commission enrolls you and your children upon the final rolls of the Choctaw Nation, as submitted for approval to the Secretary of the Interior, and your names are so approved, do you, on your own behalf, and on behalf of your children, relinquish any rights, titles and interests you might have in and to any of the lands and moneys of the Cherokee Nation? A Why, I don't understand you, but I don't want to draw any Cherokee money.

Q That is what I want to get at; if the Commission enrolls you and your children in the Choctaw Nation, will you give up all your rights as a Cherokee? A Yes sir; I will give up all my rights as a Cherokee and just draw in one Nation.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings in the above entitled cause, and that the above and foregoing is a full, true and correct copy of his stenographic notes therein.

R. S. Streit

Subscribed and sworn to before me this
14th day of February, 1901.

Guy L. V. Emerson
Notary Public.

Copy

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., FEBRUARY 24th, 1902.

IN THE MATTER OF THE APPLICATION OF Charles W. Seage for the enrollment of himself, wife and children as citizens of the Cherokee Nation, and the said Charles W. Seage, being sworn and examined by Commissioner, C. R. Breckinridge testified as follows:

Q Give me your full name? A Charles W. Seage.
Q How old are you? A I am twenty three years old.
Q What is your postoffice? A Caddo, Indian Territory.
Q In what district do you live? A That is not a district; I live in Blue County, Choctaw Nation.
Q You are living in the Choctaw Nation? A Yes sir.
Q What is it you want, to be enrolled? Have you and your family been put on the Choctaw Rolls? A I reckon so.
Q Did you appear before this Commission to be enrolled as Choctaws; at what place did you make your appearance? A At Caddo.
Q When? A Last August a year ago.
Q Do you claim to be Choctaws or Cherokees? (No response)
Q You have a wife, have you? A Yes, sir.
Q And how many children? A Six.
Q You are not entirely certain as to whether your people will be accepted as Choctaws or Cherokees and you want to find out about that? A Yes, sir.
Q Are you a Cherokee by blood? A No sir.
Q What are you? A I am a white person.
Q When did you marry your wife? A I married her in '88.
Q Where did you marry her? A Blue County, Choctaw Nation.
Q Have you and your wife lived in the Choctaw Nation ever since you were married in 1888? A Yes sir.
Q And have you lived together ever since? A Yes sir.
Q Were you ever married before you married her? A No sir.
Q Was she ever married before she married you? A No sir.
Q Did you ever draw Cherokee Strip Money? A No, sir.
Q Did you ever apply to be put upon any roll of the Cherokee Nation? A Yes sir.
Q Is this your wife here present? A Yes, sir.
Q When did you apply? A I don't remember just that date; when they was registering for the strip money.
Q And they would not take you? A No sir, they would not take me.
Q So you are not on any roll at all of the Cherokee Nation? A No, sir.
Q Now give me the name of your wife? A Amanda Adelaide.
Q Does your wife claim to be a Cherokee or a Choctaw? A She claims both.
AMANDA ADELAIDE SEAGE, being sworn and examined by Commissioner, C. R. Breckinridge testified as follows:

Q You are Mrs. Amanda Adelaide Seage, are you? A Yes, sir; my name is on the Choctaw Roll Addie A.
Q Your present name is Amanda Adelaide Seage? A Yes, sir.
Q You are the wife of this man here, Charles W. Seage? A Yes, sir.
Q How old are you? A Twenty one years old; a little past.
Q When were you and he married; you and your husband? A In 1888.
Q 1888 was it not? A Yes, sir.
Q Have you a marriage license and certificate with you? A No, sir, the Dunes Commission took it when we registered in the Choctaw Nation.
Q You claim to be a Choctaw by blood? A Yes sir, my father was a Choctaw.
Q Give me the name of your father? A Charles E. Betts.
Q You say he was a Choctaw? A Yes, sir.
Q Is he living? A No, sir, he is dead.
Q Give me the name of your mother? A Katie Robbins.
Q What is she was a Robbins before she married your father? A Yes, sir.
Q Is she living? A No, sir, she's dead.

- Q Where were you born? A I was born in the Choctaw Nation there at the old Armstrong Academy; Blue County.
- Q Was your mother a Choctaw or a Cherokee? A She was a Cherokee; part Cherokee.
- Q But you were born in the Choctaw Nation? A Yes, sir.
- Q Have you lived there all your life? A No, sir; I moved to the Cherokee Nation when I was - I don't know whether it was four or six years old - I was a little chap.
- Q How long did you stay there? A In the Cherokee Nation?
- Q Yes? A We went back to the Choctaw Nation about 1866 or '7; '66 I mean. I was there a year before me and him was married.
- Q In the Choctaw Nation? A Yes, sir.
- Q So you went to the Cherokee Nation when you were about six years old and stayed there all during the years until just before you were married? A Yes, sir.
- Q So you went to the Cherokee Nation when you were six years old and stayed there until you were about twenty years old?
- A No, sir I was sixteen.
- Q When you went back to the Choctaw Nation? A Yes, sir.
- Q So you stayed there about ten years, if you went away when you were six years old; about ten years?
- A My eldest boy is over ten years old and we was married nearly two years before he was born.
- Q You have lived in the Choctaw Nation ever since you went back when sixteen years of age? A Yes, sir.
- Q Did you draw Cherokee Strip Money in 1894? A I have never drawn any at all; my mother drew before she died.
- Q But you have not drawn any Cherokee money? A No, sir; I never drawn nary time.
- Q Were you and your husband married under a Choctaw license? A Yes, sir.
- Q And that license you say is filed with the Dawes Commission; also the marriage certificate? A It is a license they call it; just one paper made up in the way a white man has to marry a Choctaw.
- Q And that you say is filed with the Dawes Commission? A Yes, sir.
- Q Now give me the names of your children? A John T.
- Q How old is that child? A He will be eleven years old next June.
- Q Now the next child? A David R.
- Q How old is that child? A He is nine.
- Q The next child? A Charles W.
- Q How old is that child? A He is seven.
- Q The next child? A William F.
- Q How old is he? A He is five.
- Q The next child? A Ramsey D.
- Q How old is he? A He is three years old; just about.
- Q The next child? A Ida May. She's only about a year old.
- Q These children are all living, are they? A Yes, sir.

1880 Authenticated Roll of citizens of the Cherokee Nation examined and the name of the applicant's wife appears thereon as follows:

Page 6, #189. A. A. Betts, Canadian District, Admitted Cherokee. (Opposite the name of applicant's father, Charles Betts, there appears the following note: "Granted citizenship by an Act of Council, November, 1880".

The Census Roll of 1894 and the Pay Roll of 1894 examined and the name of the applicants not found thereon.

- Q Mrs. Seago, have the members of your family drawn any money as Choctaws? A Yes, sir.

Q They have been drawing Choctaw money, have they? A Yes, sir; they drew Choctaw money.
Q What Choctaw money did they get? (Answered by applicant's wife)
A \$103.50.
Q When did they get that? A When my second child was a baby.
Q When David was a baby? A Yes, sir.
Q Did you draw any money before that that you can remember?
A No, sir.
Q Have you drawn any since that you can remember? A No, sir.
Q You prefer to be enrolled as Choctaws? A Yes, sir; my children's names is there and they aint in the Cherokee.
Q That is your preference also Mr. Sengo? A Yes, sir.
Q But if you can not be enrolled as Choctaws, you want to be enrolled as Cherokee if entitled to it; that is that correct of you Mr. Sengo? A I suppose so, yes, sir.
Q Is that true of you Madam? A Yes, sir I guess so.

Com'r. C. R. Breckinridge: The applicant applies for the enrollment of himself, wife and six children; his wife appears in the course of the application. He states that he is a white man and that his wife is a Choctaw or a Cherokee. The one purpose of this application is to determine her legal status as between these two Nations. His wife is shown by her testimony to have been born in the Choctaw Nation, and there lived until about six years of age, when she went to the Cherokee nation with her family and she lived in the Cherokee Nation until she was sixteen years of age, about which time she returned to the Choctaw Nation, where she has resided consistently ever since. It is shown that during her stay in the Cherokee Nation she and her father and mother were admitted to citizenship as Cherokees by blood and the applicant's wife is duly identified on the roll of 1890; her deceased father and mother are also identified on that roll; her change of name arising from marriage is established by her own and her husband's testimony, and doubtless also by their marriage license and certificate which they state is filed in the Choctaw Division of this Commission. They claim to have been married in accordance with Choctaw law. This woman is not identified on the roll of 1894 or 1896 and states that since her return to the Choctaw Nation she has drawn on at least one Choctaw payment, and has never participated in any Cherokee payments. Reference is made to the status that may be revealed in the application which has been made for Choctaw enrollment. For the present, this woman will be listed for enrollment as a Cherokee by blood upon a doubtful card.

As for the applicant himself, inasmuch as he was never married under a Cherokee license and has not been on any roll of the Cherokee nation, it is not presumed that he can be enrolled as a Cherokee, but in order to keep the family together for the further determination of their case, he will be listed upon the same card with his wife, as a Cherokee by intermarriage.

Of the six children named in the testimony, none of them are identified on any roll and the parents are desired to complete the record in this case by filing with the Commission certificates of birth of all of the said children.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me
this 14th day of February, 1901.

R. R. Crawford
C. R. Breckinridge

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, November 17th, 1902.

Choctaw D 365
Intermarried.

In the matter of the application of Charles W. Seago for enrollment as an intermarried citizen of the Choctaw Nation.

Charles W. Seago, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

Q What is your name? A Charles W. Seago.
Q How old are you? A Thirty seven.
Q What is your post office address? A Caddo, Indian Territory.
Q How long have you resided in the Choctaw Nation? A Fourteen years, a little over fourteen.
Q Have you lived here continuously for the past fourteen years?
A Yes sir.
Q Never made your home anywhere else during that time? A No sir.
Q Do you claim intermarried rights in the Choctaw Nation? A Yes sir.
Q What is the name of your Indian wife through whom you claim these rights? A Addie A. Betts.
Q Is she a recognized and enrolled citizen of the Choctaw Nation?
A Yes sir.
Q Her rights have never been questioned? A Only through the
Cherokees,---her mother was a Cherokee.
Q When were you married to Addie A. Betts? A In 1888.
Q Where was this marriage ceremony performed? A Five miles south
of Caddo.
Q Were both you and your wife bona fide residents of the Choctaw
Nation at that time? A Yes sir.
Q Were you married in accordance with the Choctaw laws? A Yes sir.
Q Did you obtain a Choctaw license? A Yes sir.
Q From whom did you obtain that license? A From the clerk of the
court.
Q What court? A Choctaw court.
Q In what county? A Blue County.
Q How much did you pay for that license? A One hundred dollars.
Q Who performed the marriage ceremony? A Parson Dewitt, a Baptist
minister.
Q Were you ever married before your marriage to Addie A. Betts?
A No sir.
Q Was she ever married before her marriage to you? A No sir.
Q Have you lived with her continuously as her husband since that
marriage up to the present time? A Yes sir.
Q There has been no separation, abandonment or divorce? A No sir.
Q You are at present living together as bona fide residents of the
Choctaw Nation? A Yes sir.

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Harry C Risteen, being first duly sworn, upon his oath states:
That as stenographer to the Commission to the Five Civilized Tribes
he reported in full all proceedings had in the above entitled cause
on the 17th day of November, 1902, and that the above and foregoing
is a full, true and correct transcript of his stenographic notes of
said proceedings on said date.

Subscribed and sworn to before me this 3 day of January 1903.

Charles W. Seago Notary Public.

L.G.D. *GRA*
7-D-365

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Charles W. Seago, as a citizen by intermarriage, and of Addie A. Seago, John T. Seago, David E. Seago, Charles W. Seago, Jr., William F. Seago, Ramsey D. Seago, Ida May Seago, James D. Betts and Selina E. Betts, as citizens by blood, of the Choctaw Nation.

- D E C I S I O N -

It appears from the census card and other records in this case that Charles W. Seago appeared before the Commission at Caddo, Indian Territory, August 24, 1899, and made personal application for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Addie A. Seago, and his five minor children, John T., David E., Charles W., Jr., William F. and Ramsey D. Seago, and James D. and Selina E. Betts, minor half brother and half sister of his said wife, Addie A. Seago, as citizens by blood of the Choctaw Nation; that thereafter, on April 13, 1900, written application was made to the Commission for the enrollment, as a citizen by blood of the Choctaw Nation, of Ida May Seago, infant child of Charles W. Seago and Addie A. Seago, proper proof of the birth of said child on February 22, 1900, being filed with the Commission on the date of this application. Further proceedings were had in the matter of these applications at Muskogee, Indian Territory, on February 14, 1901, and in the matter of the application for the enrollment of Charles W. Seago, as a citizen by intermarriage of the Choctaw Nation, at Atoka, Indian Territory, November 7, 1902.

It further appears from the evidence in this case that Addie A. Seago is the daughter of Charles E. Betts (deceased), a recognized and enrolled citizen by blood of the Choctaw Nation, and Katie Betts (deceased), a recognized and enrolled citizen by blood of the Cherokee Nation; that the principal applicant, Charles W. Seago, claims his right to enrollment by virtue of his marriage on October 31, 1888, with the said Addie A. Seago (nee Betts) in accordance with the laws, customs and usages of the Choctaw Nation; that the minor applicants, John T. Seago, David E. Seago, Charles W. Seago, Jr., William F. Seago, Ramsey D. Seago and Ida May Seago, are the offspring of said union and that the applicants James D. Betts and Selina E. Betts are the children of Charles E. Betts, the father of the said Addie A. Seago, and Mollie Betts, a non-citizen white woman.

On an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, the names of Addie A. Seago (as Addie Seago), John T. Seago (as John Seago), and David E. Seago (as David Seago) are identified on the 1893 Choctaw leased district pay roll, Blue County, page 103, Nos. 1070, 1071 and 1072, respectively, enrolled as citizens by blood of the Choctaw Nation. The names of Addie A. Seago (as Adie E. Sago), John T. Seago (as John T. Sago), David E. Seago (as David E. Sago), Charles W. Seago (as Chas. W. Sago), William T. Seago (as Wm. Sago), James D. Betts (as Jas. D. Betts) and Selina E. Betts are identified on the 1896 Choctaw census roll, Nos. 11609, 11610, 11611, 11612, 11613, 1581 and 1582, respectively, enrolled as

Charles W. Seago, et al.-2

citizens by blood of the Choctaw Nation. The name of Charles W. Seago (as Chas. W. Sego) is identified on said roll, No. 15057, enrolled as a citizen by intermarriage of the Choctaw Nation. Applicants Ramsey D. Seago and Ida May Seago, having been born subsequent to the preparation of the last tribal roll of the Choctaw Nation, are identified by affidavits of birth filed with the Commission and made a part of the record in this case.

The evidence in this case further shows that all of the applicants herein who were living on June 28, 1898, were residents in good faith of Indian Territory and, with the exception of Charles W. Seago, had been residents of said Territory all their lives prior thereto; that applicant Ida May Seago was born in Indian Territory in 1900 and has always lived in said Territory; that applicant Charles W. Seago has lived with his wife, Addie A. Seago, continuously in the Choctaw Nation from the date of his marriage, in 1888, up to and including September 25, 1902.

It further appears from the records in the possession of the Commission that on February 14, 1901, applicants Charles W. Seago, Addie A. Seago, John T. Seago, David E. Seago, Charles W. Seago, Jr., William F. Seago, Ramsey D. Seago and Ida May Seago were listed for enrollment by this Commission as citizens of the Cherokee Nation on Cherokee doubtful card No. 1100; that at the hearing had in the matter of their application for enrollment as citizens of the Choctaw Nation, at Muskogee, Indian Territory, on February 14, 1901, applicant Charles W. Seago appeared before the Commission and under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), elected to be finally enrolled as a citizen by intermarriage of the Choctaw Nation and take allotment of lands and distribution of moneys in said nation; that at said place and time Addie A. Seago also appeared and under the provisions of said Act of Congress, elected for herself and her six minor children, John T., David E., Charles W., Jr., William F., Ramsey D. and Ida May Seago, to be finally enrolled as citizens by blood of the Choctaw Nation and take allotment of lands and distribution of moneys in said nation.

It is, therefore, the opinion of this Commission that Charles W. Seago should be enrolled as a citizen by intermarriage of the Choctaw Nation, and that Addie A. Seago, John T. Seago, David E. Seago, Charles W. Seago, Jr., William F. Seago, Ramsey D. Seago, Ida May Seago, James D. Betts and Selina E. Betts should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495) and July 1, 1902 (32 Stats., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

COMMISSIONER.

COMMISSIONER.

COMMISSIONER.

Muskogee, Indian Territory,

MAR 26 1903

COPY:

Choctaw D 368

Washkagee, Indian Territory, March 26, 1903.

Charles W. Seage,

Caddo, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 26, 1903, granting the application made for the enrollment of yourself as a citizen by intermarriage, and of your wife, Addie A. Seage, your minor children, John T. Seage, David E. Seage, Charles W. Seage, Jr., William F. Seage, Ramsey D. Seage and Ida May Seage, your brother-in-law, James D. Betts, and your sister-in-law, Selina E. Betts, as citizens by blood, of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time, no protest has been filed the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully, SIGNED:

James Bixby.

Chairman.

Registered.

Choctaw D 388

COPY.

Maskogee, Indian Territory, March 26, 1903.

J. L. Rappolee,
Attorney at Law,
Caddo, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 26, 1903, granting the application made for the enrollment of Charles W. Seago as a citizen by inter-marriage, and of his wife, Addie A. Seago, his minor children, John T. Seago, David E. Seago, Charles W. Seago, Jr., William F. Seago, Ramsey D. Seago and Ida May Seago, his brother-in-law, James D. Betts, and his sister-in-law, Selina E. Betts, as citizens by blood, of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time, no protest has been filed the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully, SIGNED

Tamm Dixby.

Registered,
Mar. 27 03

00P1

Choctaw D 345

Muskogee, Indian Territory, March 26, 1903.

Cherokee Enrollment Division,

Commission to the Five Civilized Tribes.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 26, 1903, granting the application made for the enrollment of Charles W. Seago as a citizen by inter-marriage, and of his wife, Addie A. Seago, his minor children, John T. Seago, David E. Seago, Charles W. Seago, Jr., William F. Seago, Ramsey D. Seago and Ida May Seago, his brother-in-law, James D. Betts, and his sister-in-law, Selina E. Betts, as citizens by blood, of the Choctaw Nation.

It appears from the records of the Commission that the principal applicant, Charles W. Seago, his wife, Addie A. Seago, and their six minor children, John T. Seago, David E. Seago, Charles W. Seago, Jr., William F. Seago, Ramsey D. Seago and Ida May Seago, were listed on Cherokee Deedful Card No. 1100.

Respectfully,

(SIGNED) *Tame Bixby.*

Chairman.

Enc. MMV 61 (a)

Choctaw B 348

COPY

Muskogee, Indian Territory, March 26, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 26, 1903, granting the application made for the enrollment of Charles W. Seage as a citizen by inter-marriage, and of his wife, Addie A. Seage, his minor children, John T. Seage, David H. Seage, Charles W. Seage, Jr., William V. Seage, Ramsey D. Seage and Ida May Seage, his brother-in-law, James D. Betts, and his sister-in-law, Selina H. Betts, as citizens by blood, of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time no protest has been filed the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully, (SIGNED)

Registered.

Enc. RV 40

James Dixby.
Chairman.

A RESOLUTION
REQUESTING THE DAVES COMMISSION
TO ENROLL CERTAIN PERSONS
THEREIN NAMED.

WHEREAS, The Daves Commission by its ruling in the enrollment of Choctaw citizens has decided that the children of women of other Indian blood who who marry a Choctaw citizen, are not entitled to enrollment as Choctaw citizens, but that such issue must take the status and citizenship of the mother, and

WHEREAS, Said ruling will, if adhered to, effect the rights and interests of a number of persons who have in good faith lived among the Choctaw people, who have accumulated property interests in such faith, and who have not heretofore been questioned as to their rights as citizens of this Nation, but who have always been recognized as Choctaw citizens by the authorities of said Nation,

THEREFORE,

BE IT RESOLVED by the General Council of the Choctaw Nation Assembled; That the Daves Commission is hereby requested to register and to enroll as Choctaw citizens by blood the following named persons, residents of the Choctaw Nation, except those marked intermarried, to wit:

Mary A. Freemy, re-admitted in the Cherokee Nation since 1890, Mother Cherokee; Ella Freemy; Robert C. Freemy; Ellis D. Freemy; all children of R. C. Freemy; and Rufus Talbot, half brother to Freemy Children.

Solomon J. Komer, mother Cherokee Indian; Blanche M. Komer, wife, intermarried; St. Clair Komer, child.

Addie A. Sage, daughter of Chas. Betts, mother Cherokee; John T. Sage; David B. Sage; Charles W. Sage; Wm. F. Sage; Ramsey B. Sage.

Walton Hampton, mother Cherokee, Jane Hampton.

Martine E. Ainsworth, daughter of R. C. Freemy, mother Cherokee; James C. Ainsworth, son of James T. Ainsworth.

Mary McDuff, Chas. L. McDuff; Emma McDuff; Robt. L. McDuff; A. J. McDuff, children of C. J. McDuff.

Addie McDuff Long, daughter of Rachel McDuff.

Polson Carney, mother Creek.

Timothy L. Ward; Chas. A. Ward; Daisy Ward; Gera Ward; Wm. H. Ward, children of W. G. Ward.

Joseph M. Ward, son of W. C. Ward; Minnie Ward, inter-married wife, Agnes Ward.

Martina Fendree, daughter of Eliza Ward and W. C. Ward; Edward Fendree, inter-married husband; Louisa Ann Fendree; Nora Pearl Fendree.

Annie Dunn, daughter of Eliza Ward and W. C. Ward; Lillian S. Dunn; Alfred S. Dunn; Arthur W. Dunn.

Robt. J. Ward, Jr.; Ada E. Ward; Irene Ward; Frederick Ward; Gertrude B. Ward; Frank J. Ward, children of Robt. J. Ward.

Sarah Ward Culbertson, mother George, children of Robt. J. Ward; Elijah Ward Culbertson and Georgia C. Culbertson, children of Elijah W. Culbertson.

Sara Ward Smith; Zach Smith, inter-married husband; Mary F. Smith, Guss Smith.

Gleam Smith, Fannie Smith, infant, children of Freeman Smith.

BE IT FURTHER RESOLVED that a copy hereof be furnished the said Dawes Commission by the National Secretary; and this resolution shall take effect and be in force from and after its passage and approval.

APPROVED October 27th, 1900.

THIS IS TO CERTIFY, That the above and foregoing is a full, true and correct copy of the original Resolution of the Cheateau General Council passed at its regular session for October 1900, and approved by the Principal Chief in his official character, the same being now on file in the office of the National of said Nation.

IN TESTIMONY WHEREOF, I, Solomon J. Hamer, have herewith affixed my official signature and the seal of the Cheateau Nation, this the sixth day of December, One thousand Nine Hundred.

(Signed) Solomon J. Hamer.

National Secretary,
Cheateau Nation.

Muscogee, Indian Territory.

August 18th, 1900.

Charles W. Sego,

Caddo, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMuray, & Cornish, has filed with this Commission a notice of protest to your enrollment and the enrollment of Addie A., John T., David E., Charles W., William F., and Ramsey D. Sego as citizens of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-345.

Muskogee, Indian Territory, November 23, 1900.

J. L. Rappole,
Attorney at Law,
Caddo, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 21st instant enclosing a letter from Messrs Mansfield, Murray & Cornish attorneys representing the Choctaw Nation, relative to the rights to enrollment of Charles F. Sage, his wife and his minor children, and James O. and Malina Betts.

Messrs Mansfield, Murray & Cornish state in their letter that on testimony on behalf of the Choctaw and Chickasaw Nations will be taken at the appointment of the Commission at Atoka, Indian Territory beginning December 3rd, 1900, and that it will not be necessary for Mr. Sage or any other of the interested parties to appear at that time and place unless they desire to do so in their own behalf.

This letter is not to be construed as prohibiting any parties whose rights have been protected by the representatives of these two Nations from appearing at the session of the Commission at Atoka and offering any additional testimony they may desire in support of their applications and if Mr. Sage himself desires to offer additional testimony or the oral testimony of any witnesses the Commission will hear him and such witnesses at Atoka next month.

Yours very truly,
The Secretary of the Commission.

J. L. R. S.

This Commission by the representatives of the Cherokee Nation,
included the names of all the children of Mr. and Mrs. Sego.

As to the time in which you can forward written arguments
to the Commission in support of your clients, you are informed that
the Commission will at any time prior to March 1st, 1903, accept
for consideration written arguments or briefs submitted by con-
tested applicants or their attorneys in support of their claims
to enrollment as citizens of either the Cherokee or Chickasaw Nations.

Wm. H. Mumfield, Esq. & Cornish's letter is returned
to you herewith.

Yours truly,

Acting Chairman.

T-D-368

Enc. 1

Muskogee, Indian Territory, November 28, 1900.

J. L. Rapelco,

Attorney at Law,

Caddo, Indian Territory.

Dear Sir:

The Commission is in receipt of written argument submitted by you on behalf of Charles W. Sego et al applicants for enrollment as citizens by blood of the Choctaw Nation, and the same will receive the consideration of the Commission in the disposition of this claim.

Yours truly,

Acting Chairman.

7-D-365

Muskogee, Indian Territory, February 2, 1901.

J. L. Rappelee,
Attorney at Law,
Caddo, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 24th instant in which you desire to be informed if you can have Mr. and Mrs. Charles W. Sage appear before the Commission for the purpose of election as to their final relinquishment of lands of the Cherokee Nation and the relinquishment of their claim to Cherokee citizenship.

You should be informed as to the nearest place where they can make such appearance.

You are informed that the Commission will have Mr. and Mrs. Sage upon their personal appearance at the office of the Commission in Muskogee at any time within the near future that will be most convenient to them. This appearance will of necessity have to be made at Muskogee for the reason that an examination of the Cherokee rolls will have to be made to ascertain if they or their children have ever been admitted as citizens of the Cherokee Nation.

It is advisable to have such appearance made as early as possible in the near future as the Commission will be going into the field with the Cherokee records for the purpose of having applicants for enrollment as citizens of that nation.



Muskogee, Indian Territory, February 14, 1901.

J. L. Rapollas,
Cadeo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th instant advising that Mr. and Mrs. Charles W. Segs would appear before the Commission at its office in Muskogee, on February 14th, 1901 for the purpose of placing to be placed upon the final rolls of citizens of the Choctaw Nation in accordance with the act of Congress of June 28th, 1898.

They were informed that Mr. and Mrs. Segs will make an appearance at this office today.

Very truly,
J. L. Rapollas

COMMISSIONERS:
HENRY L. DAWES,
TAMM SIXBY,
THOMAS B. NEEDLES,
C. R. BRICKNIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 17, 1901.

W. O. Beall, Esq.,

Chief Clerk Choctaw-Chickasaw Enrollment Division,

Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith you will find four copies of the testimony in the matter of the application of Charles W. Seago for the enrollment of himself as an intermarried citizen of the Cherokee Nation, and for the enrollment of his wife and children as citizens by blood of the Cherokee Nation. These people have heretofore applied for enrollment as Choctaws.

You will please file these copies of testimony with the other papers in the case in your division.

Very truly yours,



Acting Chairman.

Enc. A-A.

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRICKNIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

68 ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

1089
REFER IN REPLY TO THE FOLLOWING

Cherokee D 1100
Choctaw D 365

Muskogee, Indian Territory, January 16, 1904.

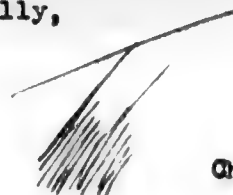
Commission to the Five Civilized Tribes,
Choctaw-Chickasaw Enrollment Division,
Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Charles W., Amanda A., John T., David E., Charles W., Jr., William F., Ramsey D. and Ida M. Seago, Cherokee D 1100, it appears that these applicants have also applied for enrollment as citizens of the Choctaw Nation, Choctaw D 365, and that on March 26, 1903, the Commission rendered a decision enrolling these parties as citizens of the Choctaw Nation.

It is suggested that the Cherokee Division be advised as to the present status of these applicants as citizens of the Choctaw Nation and if their names have been placed upon the final roll, it is requested that their numbers be given, together with the date of the Department's approval of said roll.

Respectfully,



Chairman.

7-5654

Muskogee, Indian Territory, January 19, 1904.

Commission to the Five Civilized Tribes,
Cherokee Enrollment Division,
Muskogee, Indian Territory.

Gentlemen:

In reply to your letter of January 16, 1904, requesting information relative to the enrollment, as citizens of the Choctaw Nation, of Charles W., Amanda A., John T., David E., Charles W. Jr., William F., Ramsey D. and Ida M. Seago; you are advised it appears from our records that Charles W. Seago, of Cadde, Indian Territory, 37 years of age, has been enrolled as an intermarried citizen of the Choctaw Nation and his enrollment as such approved by the Secretary of the Interior December 24, 1903, his roll number being L. W. 533.

His wife, Addie A., and their minor children John T., David E., Charles W. Jr., William F., Ramsey D. and Ida May Seago have been enrolled as citizens by blood of the Choctaw Nation and their enrollment as such approved by the Secretary of the Interior October 18, 1903, the Dawes roll numbers being 14957, 14958, 14959, 14960, 14961, 14962 and 14963 respectively.

It further appears from our records that James D. Betts

Cherokee Enr. Div. 2

and his sister Selina E. Betts, brother and sister of Addie A. Seago, have been enrolled as citizens by blood of the Choctaw Nation and their enrollment approved by the Secretary of the Interior October 15, 1903, Dawes roll numbers being 14963 and 14964 respectively.

Respectfully,

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Wm. G. Small,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

360

CHEROKEE D-1100.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 6, 1905.

Commission to the Five Civilized Tribes,
Choctaw Enrollment Division.

Gentlemen:

The Cherokee Enrollment Division desires to be informed whether or not Charles Wesley Sego, whose name appears as No. 533 upon a list prepared by this Commission of persons entitled to enrollment as citizens by intermarriage with the Choctaw Nation, has selected his allotment in said nation.

Respectfully,



Commissioner in Charge.

COMMISSIONERS:

TAMM HUNT,
THOMAS B. HINDLE,
C. B. BRIDGEMAN.

WM. O. SMALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

1000

REPLY TO THE FOLLOWING

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

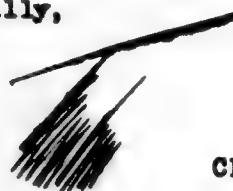
Muskogee, Indian Territory, March 15, 1905.

Commission to the Five Civilized Tribes,
Choctaw-Chickasaw Enrollment Division.

Gentlemen:

The Cherokee Enrollment Division desires to be informed whether or not Charles Wesley Sego, whose name appears as No. 135 upon a list prepared by this Commission of persons entitled to enrollment as citizens by intermarriage of the Choctaw Nation, has selected his allotment in said Nation.

Respectfully,



Chairman.

7-6654

Muskogee, Indian Territory, March 18, 1906.

Commission to the Five Civilized Tribes,
Cherokee Enrollment Division,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of March 15, 1906, requesting to be informed whether or not Charles Wesley Sego whose name appears as No. 535 upon the approved roll of citizens by intermarriage of the Choctaw Nation has selected allotment.

In reply to your letter you are informed that it appears from our records that Charles Wesley Sego whose name appears upon the approved roll of citizens by intermarriage of the Choctaw Nation as No. 535 has voluntarily selected his allotment in the Choctaw Nation.

Respectfully,

Chairman.

7-5654
7-3025
7-5359
7-2606

Muskogee, Indian Territory, March 31, 1903.

J. L. Rappelee,
Attorney at Law.
Caddo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Addie A. Seago and H. E. Rappelee to the birth of LaClara A. Seago, daughter of Charles W. and Addie A. Seago, January 16, 1903; also the affidavits of Katie Owens and W. J. Melton to the birth of Estella Owens, daughter of John and Katie Owens October 28, 1902.

Receipt is also acknowledged of your affidavit and the affidavit of Ellen Airington to the birth of Alvin Airington, son of Noah and Ellen Airington, February 9, 1903; also the affidavits of Amanda Dameron and W. J. Melton to the birth of Ethel Dameron, daughter of W. R. and Amanda Dameron, January 19, 1903, and the same have been filed with our records as applications for the enrollment of said children.

Respectfully,

Chairman.

			3/26/03	1
A. L. Chas. Drago	8/18/1900	(10)		
" J. L. Rappell	11/23/	" (2 ")		
" " "	11/28/	" 1 "		
" " "	2/1/01	2 "		
" " "	2/14/01	1 "		
" " "	3/26/03	1 "		
" W. C. Beall	2/17/01	1 "		

~~Election as Choctaws~~

to Cher. Council Riv.

Mans. M^{em}. & C,

3/26/03 1 "

3/26/03 1 "

300

MEMORANDA.

(Date) Aug 25 1899.

Name Charles M. Sego
 Choctaw? yes County Blue Year 96 No. 115-057
 Chickasaw? County Year Page 400
 Citizen by blood? Mother's citizenship us
 Intermarried citizen? yes
 Married under what law?
 License filed this day,

X Wife's name, Addie A. Sego
 Choctaw? yes County Blue Year 96 No. 11609
 Chickasaw? County Year Page 300
 Citizen by blood? yes Mother's citizenship Cherokee
 Intermarried citizen?
 Married under what law?
 License filed this day

Names of children:

10 - John T. Sego	County Blue	Year 96	Page 300	No. 11610
7 - David E. "	County "	Year "	Page "	No. 11611
5 - Charles M. "	County "	Year "	Page "	No. 11612
3 - William T. "	County "	Year "	Page "	No. 11613
1 - Ramsey D. "	County "	Year "	Page "	No. "
James D. Betts	County "	Year "	Page 39	No. 15-81
Selina E. "	County "	Year "	Page "	No. 15-82
	County "	Year "	Page "	No. "
	County "	Year "	Page "	No. "
	County "	Year "	Page "	No. "

X On roll Edie E. Sego
 " " John T. "
 " " David E. "
 " " Chas. M. "
 " " Wm T. "
 " " Chas. M. Sego

On roll Jas. D. Betts.

Abol Betts children orphans

#2! Her mother was Cherokee & enrolled, also Addie. she was of 1880. Also in her testimony.

1960

Choc 5635

Rufus Tolbert

Trans from Choc #D375

4-11-03

-----o-----
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

The record in the matter of the application for the enrollment as a citizen by blood of the Choctaw Nation of

RUFUS TOLBERT,

- 7 D 375
-----o-----

Commission to the Five Civilized Tribes,

Caddo, Indian Territory.

In the enrollment of Rufus Tolbert as a Choctaw; Robert C. Freaney being sworn and examined by Com'r McKenna testifies:

Q What is your name? A Robert C. Freaney.

Q How old are you? A Forty-nine.

Q Did you know the mother of Rufus Tolbert? A Yes sir.

Q She is a Cherokee? A Yes sir.

Q Did she live in the Cherokee Nation? A No sir, she has not lived there since the War.

Q She has lived here in the Choctaw Nation all the while?

A Yes sir.

Q Do you know whether she is on the rolls up there or not?

A No sir, she is not on the roll, up there since the War; I think I said yesterday she had draw money since the War, but she has not.

Q Did Rufus draw money there since the War? A Yes sir. He drew the Cherokee Strip money and also the Old Settler money.

Q (By Choctaw Com'r Dukes) Was Rufus' father Choctaw? A Yes sir, he was a full-blood Choctaw.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify that the foregoing is as stenographed by the stenographer employed by this Commission, and that this transcript is a true and correct translation of my stenographic notes.

McKenna

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING.

Choctaw D-375.

Muskogee, Indian Territory, March 1, 1902.

Rufus Tolbert,
Caddo, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 8th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Register.

T. B. Needles.

Commissioner in Charge.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application of
Rufus Tolbert for enrollment as a citizen
by blood of the Choctaw Nation.

---D 375---

On the first day of March, 1902, the applicant was notified by registered mail, and on the sixth day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of Rufus Tolbert for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 9th day of April, 1902, for final consideration.

Now, on this 9th day of April, 1902, this cause coming on to be heard pursuant to said notice, the applicant failed to appear either in person or by attorney, and the Choctaw Nation appeared by its attorneys, Mansfield, McMurray and Cornish, and submits this case up on the record.

---O---

Harry C Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 9th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 11th day of April, 1902.

Herbert C. Wood
Notary Public.

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

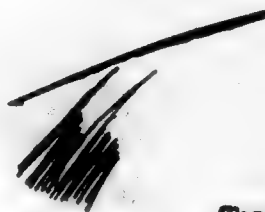
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 18, 1903.

I have examined the rolls of the Choctaw Nation in the possession of the Commission and find the name of Rufus Tolbert on page 40, number 416, and also on the 1896 Choctaw census roll, page 324, number 12,429, enrolled on both of said rolls as a citizen by blood of the Choctaw Nation.



Chairman.

200
L & D
7 D 375

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Rufus Tolbert as a citizen by blood of the Choctaw Nation.

D E C I S I O N.

It appears from the census card records of the Commission in this case that at Caddo, Indian Territory, on August 25, 1899, application was made to the Commission for the enrollment of Rufus Tolbert as a citizen by blood of the Choctaw Nation.

It further appears from said records that Rufus Tolbert is the son of John Tolbert, deceased, a citizen by blood of the Choctaw Nation, and Mary Tolbert, deceased, a citizen by blood of the Cherokee Nation.

On an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, the name of Rufus Tolbert is identified on the 1893 Choctaw Leased District pay roll, Blue County, page 40, number 416, and also on the 1896 Choctaw census roll, number 12,429, enrolled on both of said rolls as a citizen by blood of the Choctaw Nation.

A careful examination of the tribal rolls of the Cherokee Nation in the possession of the Commission fails to disclose the name of Rufus Tolbert listed thereon; neither does it appear that he has ever made application to this Commission for enrollment as a citizen by blood of the Cherokee Nation.

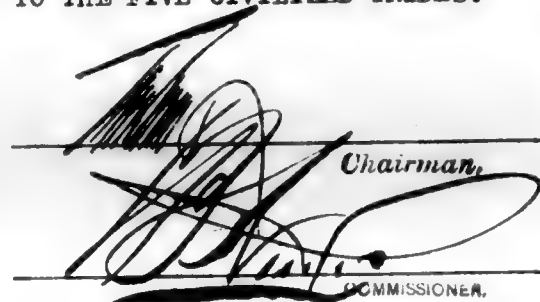
It further appears that the applicant herein, Rufus Tolbert was a resident in good faith of Indian Territory on June 28, 1898, all applicants listed for enrollment on census cards in 1899 having been first examined as to such fact, although their testimony was not reduced to writing.

It is, therefore, the opinion of this Commission that Rufus Tolbert should be enrolled as a citizen by blood of the Choctaw Nation under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

MAR 26 1903


Chairman,
COMMISSIONER.


C. R. Beckwith,
COMMISSIONER.


H. E. Herring,
COMMISSIONER.

COPY.

Waukegon, Indian Territory, March 26, 1903.

Rufus Telbert,

Osage, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 25, 1903, granting your application for enrollment as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed the name of the applicant will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

Enc. REV 59

COPY.

Choctaw D 375

Washkgee, Indian Territory, March 26, 1903.

Mansfield, McMurray & Gornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered March 26, 1903, granting the application of Rufus Tolbert for enrollment as a citizen by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed the name of the applicant will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

Registered.

Enc. MAY 51

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE
ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muscogee, Indian Territory,

August 18th, 1900.

Rufus E. Tolbert,

Caddo, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Tamm Bixby
Acting Chairman

7-D-375.

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRACKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 18, 1900.

Rufus E. Tolbert,
Caddo, Indian Territory.

Dear Sir:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The question raised, is as to your Cherokee blood.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Tamm Bixby
Acting Chairman.

7-D-375

Chester D-375

Muskogee, Indian Territory, February 18, 1903.

P. G. Reuter,

Clerk in Charge-Cherokee Land Office,

Vinita, Indian Territory.

Dear Sir:

It appears from the records of the Commission that Rufus Tolbert, twenty-eight years old, postoffice address Gadsden, Indian Territory, has been listed for enrollment as a citizen by blood of the Cheatew Nation, on Cheatew doubtful card No. 375. The census card record in this application shows that the said Rufus Tolbert is the son of John Tolbert (deceased), a citizen by blood of the Cheatew Nation, and Mary Tolbert, a Cherokee citizen.

It is requested that you advise the Cheatew-Chickasaw Enrollment Division as to whether the name of Rufus Tolbert appears upon any of the Cherokee rolls or whether he has ever been listed for enrollment by the Commission as a citizen of the Cherokee Nation.

Respectfully,

Acting Chairman.

7-5655

Washkagee, Indian Territory, April 28, 1904.

R. C. Freeny,

Caddo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 23rd inst., requesting to be advised relative to the enrollment of Rufus Tolbert.

You are informed it appears from our records that Rufus Tolbert, now about 27 years of age, of Caddo, Indian Territory, has been duly enrolled by this Commission as a citizen by blood of the Choctaw Nation, his enrollment as such having been approved by the Secretary of the Interior, October 18, 1903.

Respectfully,

Chairman.

Department of the Interior,
Commission to the Five Civilized Tribes.

In the matter of the application of
Rufus Tolbert for enrollment as a citizen
by blood of the Choctaw Nation.

---D 275---

On the first day of March, 1902, the applicant was notified by registered mail, and on the sixth day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of Rufus Tolbert for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 9th day of April, 1902, for final consideration.

Now, on this 9th day of April, 1902, this cause coming on to be heard pursuant to said notice, the applicant failed to appear either in person or by attorney, and the Choctaw Nation appeared by its attorneys, Mansfield, McMurray and Cornish, and submits this case up on the record.

Harry O Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 9th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry O Risteen

Subscribed and sworn to before me this 11th day of April, 1902.

Herbert H. Wood

Notary Public.

**RESOLUTION
OF THE
CHEROKEE NATION**

WHEREAS, The Cherokee Nation by its ruling in the council-
ment of Cherokee citizens has decided that the children of women of
other Indian blood who who marry a Cherokee citizen, are not entitled
to citizenship as Cherokee citizens, but that such issue must take the
status and citizenship of the mother, and

WHEREAS, said ruling will, if carried to, affect the rights
and interests of a number of persons who have in good faith lived among
the Cherokee people, who have accumulated property interests in such
faith, and who have not heretofore been questioned as to their rights
as citizens of this Nation, but who have always been recognized as
Cherokee citizens by the authorities of said Nation,

THEREFORE,

BE IT ENACTED by the General Council of the Cherokee Na-
tion Assembly: That the Cherokee Nation do hereby requested to reg-
ister and to enroll as Cherokee citizens by blood the following named
persons, residents of the Cherokee Nation, except those marked inter-
married, to wit:

Mary A. Freemy, resided in the Cherokee Nation since 1880, mother
Charles; Ella Freemy; Robert C. Freemy; Ellen D. Freemy; all chil-
dren of R. C. Freemy; and Rufus Talbot, half brother to Freemy chil-
dren.

Solomon J. Hower, mother Cherokee Indian; Minnie E. Hower, wife, in-
termarried; St. Clair Hower, child.

Addie A. Sage, daughter of Geo. Sage, mother Cherokee; John T. Sage;
David E. Sage; Charles V. Sage; Wm. J. Sage; Nancy D. Sage.

Walter Hampton, mother Cherokee, Jane Hampton.

Martin E. Ainsworth, daughter of R. C. Freemy, mother Cherokee; James
C. Ainsworth, son of James E. Ainsworth.

May McRuff, Geo. L. McRuff; Emma McRuff; Robt. L. McRuff; A. J. Mc-
Ruff, children of G. J. McRuff.

Addie McRuff, daughter of Rachel McRuff.

William McRuff, mother Creek.

William L. Ward, Geo. A. Ward; Daisy Ward; Nora Ward; Wm. E. Ward;
William M. W. Ward.

Joseph H. Ward, son of W. S. Ward; Minnie Ward, inter-married wife.
Agnes Ward.

Martha Pender, daughter of Eliza Ward and W. S. Ward; Howard Pender,
inter-married husband; Louis Ann Pender; Rosa Pearl Pender.

Annis Pender, daughter of Eliza Ward and W. S. Ward; Kathina G. Pender;
Alfred B. Pender; Irwin V. Pender.

Edith J. Ward, Jr.; Ada B. Ward; Irwin Ward; Frederick Ward; Gertrude
B. Ward; Frank J. Ward, children of Robt. J. Ward.

Lucas Ward Culbertson, mother Thoreke, children of Robt. J. Ward;
Elijah Ward Culbertson and Georgia S. Culbertson, children of Elijah
W. Culbertson.

Cora Ward Smith; Zach Smith, inter-married husband; Mary F. Smith,
Gacy Smith.

Oleek Smith, Fannie Smith, infant, children of Freeman Smith.

BE IT FURTHER RESOLVED that a copy hereof be furnished the said Dawes
Commission by the National Secretary; and this resolution shall take
effect and be in force from and after its passage and approval.

APPROVED October 27th, 1900.

THIS IS TO CERTIFY, That the above and foregoing is a full, true and
correct copy of the original Resolution of the Chester General Coun-
cil passed at its regular session for October 1900, and approved by the
Principal Chief in his official character, the same being now on file
in the office of the National of said Nation.

IN WITNESS WHEREOF, I, Solomon J. Koser, have hereunto affixed my of-
ficial signature and the seal of the
Chester Nation, this the sixth day
of December, One thousand Nine Hun-
dred.

(Signed) Solomon J. Koser.
National Secretary,
Chester Nation.

Choc 5656

George Rogers

Trans from Choc #D395

4-11-03

5656

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the enrollment
as citizens by blood of the Choctaw Nation of-

GEORGE ROGERS, et al., 7-D-395.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
stenographer to above named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

W. D. McKennon

Commission to the Five Civilized Tribes,

Atoka, Indian Territory.

In the enrollment of Coowee and George Rogers as choctaws;
Lavega Rogers being sworn and examined by Com'r McKennon states:

Q What is your name? A Lavega Rogers.

Q How old are you? A Forty-six.

Q You are a Cherokee Indian? A Yes sir.

Q You are enrolled in the Cherokee Nation? A I have been.

Q You were enrolled there in 1893 and drew the Strip, money?

A Yes sir.

Q Do you know of any other roll that you are on there except
that? A No sir.

Q You were married, what was your wife's name? A Isabelle
Krebbs, she married a Fulcher; her maiden name was Krebs.

Q Do you know whether she was ever admitted to citizenship in
the choctaw Nation or not? A No sir.

Q Do you know when she came to the choctaw nation? A No sir.
I think it was in 1870, or 1872.

Q Where did she come from? A From Mississippi.

Q Do you know what degree of blood she had? A About a quar-
ter or a half, I don't know which.

Q Albert Fulcher, her first husband, was recognized as a Choctaw
citizen? A Yes sir.

Examined by Choc. Att'y Shackelford:

Q Have you married again since your wife died? A Yes sir.

Q Married a white woman? A Yes sir.

Q You are still living with her? A Yes sir.

My children, George and Coowee Rogers, are on the rolls of the
Cherokee Nation also.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Atoka, Ind. Ter., June 4, 1900.
Chec.-D. 395.

In the Matter of the Application of George
Rogers for ~~application~~ enrollment as a citizen of
the Choctaw Nation.

George Rogers, being first duly sworn by Acting Chairman Bixby,
testified as follows:

- Q What is your name? A George Rogers.
Q What is your age? A 22 years.
Q What is your postoffice address? A Stringtown.
Q Do you live in Stringtown? A Yes sir.
Q Are you a Choctaw? A Yes sir.
Q Do you make this application through your claim to be a Choctaw by
blood? A Yes sir.
Q What is the name of your father? A Lavega Rogers.
Q Is he living? A Yes sir.
Q Is he on the Choctaw rolls? A No, he is a Cherokee.
Q Is he on the Cherokee rolls? A I don't know whether he is or not;
he has been.
Q What is the name of your mother? A Isabel Rogers. Isabel Krabbs
before she was married.
Q Is she living? A No sir.
Q Was she on the Choctaw rolls when he was alive? A I don't know;
she drew money.
Q Do you know what county she belonged to? A Jack Fork County.
Q When did your mother die? A Two years ago last January.
Q Wasn't her name Isabel Rogers? Didn't she marry Vag Rogers?
A Yes sir.

Note: The roll is examined and the name of Isabel
Rogers is found on page 283 of the Choctaw rolls '96,
No. 11011.

Statement made by A. Telle, attorney for the Choctaw
Nation:

The name of Isabel Rogers appears upon a list pre-
sented at South McAlester to the Dawes Commission
by Samon Lewis et al, Choctaw Commissioners, of those
parties who came to the Choctaw Nation from Missis-
sippi and settled there without first being admit-
ted by the Choctaw council; these parties were cited
to appear and show cause why their names should not be
stricken from the rolls on the ground above mentioned.
The matter was continued for the decision by the full
Dawes Commission.

- Q To what county did you belong to? A Jack Fork County.
Q How long have you lived in the Indian Territory? A All my life.
Q Have you been outside the Indian Territory within the last two years?
A No sir.
Q Have you ever been enrolled by the Choctaw tribal authorities?
A Not that I know of; I have drawn money.
Q What money did you draw? A I don't know- \$103.
Q What year was that? A I don't remember.
Q Where did you draw your money? A Atoka.
Q Where did you register? A Minnie Springs, Jack Fork Co.
Q Who did you register with? A I don't know; my mother registered for

2-Rogers.

Note. The pay roll of '93 '93 Atoka County examined, and the name of Geo. L. Rogers is found on page 90, No. 892.

Q What proportion of Chectaw blood do you claim? A I don't know; about a quarter I think.

Q Are you married? A No sir.

Note. The roll of '96 examined and the name of Geo. Rogers is found on page 283, Atoka Co., No. 11012

Frances R. Brown, being first duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, she reported the testimony of the witness in the above entitled cause, and that the foregoing is a true and complete transcript of her shorthand notes in said cause.

Frances R. Brown

Subscribed in my presence and sworn to before me this 5th day of June, A. D., 1900.

[Signature]
Acting Chairman.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS S. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING.

Choctaw D-395

Muskogee, Indian Territory. March 1, 1902.

George Rogers,
Stringtown, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 10th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. S. Needles.

Register.

Commissioner in Charge.

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw D-398

Muskogee, Indian Territory, March 1, 1902.

Coowee Rogers,
Stringtown, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as ^a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 10th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting ^{your} right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

Register.

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 10, 1902.

.....
In the matter of the application ::
of George Rogers for the enrollment ::
of himself and his minor brother, ::
Cecue Rodgers, as citizens of the ::
Choctaw Nation. ::
.....

Deed.

395

On the 1st day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of George Rogers for the enrollment of himself and his minor brother as citizens of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 10th day of April 1902, for final consideration.

Now on this 10th day of April, 1902, this cause came on to be heard, pursuant to said notice, the Choctaw Nation failed to appear, and the applicant being called failed to appear either in person or by attorney.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the aboveentitled cause on April 10, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 11 day of April, 1902.

Hal Belford
James Mitchell Wood
Notary Public.

7 D-395

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of
George Rogers and Coowee Rogers as citizens by blood of the Choctaw
Nation.

---- D E C I S I O N ----

It appears from the census card and other records in this case that Lavega Rogers appeared before the Commission at Atoka, Indian Territory, August 31, 1899, and made application for the enrollment of his two children, George Rogers and Coowee Rogers, as citizens by blood of the Choctaw Nation. Further proceedings were had in the matter of this application at Atoka, Indian Territory, June 4, 1900.

The evidence in this case shows that the applicants herein are the children of Lavega Rogers, a recognized citizen by blood of the Cherokee Nation, and Isabelle Rogers, (deceased), a citizen by blood of the Choctaw Nation.

On an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission the names of George Rogers (as George L. Rogers) and Coowee Rogers are identified on the 1893 Choctaw leased district pay roll, Atoka County, page 90, Nos. 492 and 493, respectively, enrolled as citizens by blood of said nation. Their names are also identified on the 1896 Choctaw census roll, Jacks Fork County, Nos. 11012 and 11013, respectively, enrolled as citizens by blood of the Choctaw Nation.

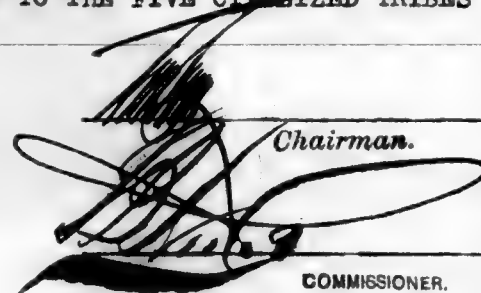
The evidence in this case further shows that George Rogers was a resident in good faith of Indian Territory on June 28, 1898, and had been all his life prior thereto. It also appears from the census card records of the Commission that Coowee Rogers was a resident in good faith of Indian Territory on said date, all applicants listed on census cards in 1899 having first been examined as to such fact, although their testimony was not reduced to writing.


It further appears from the records in the possession of the Commission that George Rogers and Coowee Rogers have also been recognized and enrolled by the tribal authorities of the Cherokee Nation, as citizens by blood of said nation; that they were residents of the Choctaw Nation at the time of their application to this Commission for enrollment as citizens by blood of the Choctaw


Nation; that they had never been listed by the Commission for enrollment as citizens of the Cherokee Nation, nor had they made election to be finally enrolled and take allotment of lands and distribution of moneys as citizens of said nation, under the provisions of the act of Congress approved June 28, 1898 (30 Stats. 495) prior to the closing of the rolls of the Cherokee Nation on August 28, 1902.

It is, therefore, the opinion of this Commission that George Rogers and Coowee Rogers should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats. 495) and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES


Chairman.
COMMISSIONER.


COMMISSIONER.


COMMISSIONER.

Muskogee, Indian Territory

MAR 26 1903

Chectaw D 395

COPY

Muskogee, Indian Territory, March 26, 1903.

George Rogers,

Stringtown, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 26, 1903, granting the application made for the enrollment of yourself and your minor brother, George Rogers, as citizens by blood of the Chectaw Nation.

The attorneys for the Chectaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Chickasaw Nation. If at the expiration of that time, no protest has been filed the names of the applicants will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

Registered.

Enc. HMV 57

COPY

Choctaw D 395

Muskogee, Indian Territory, March 26, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 26, 1903, granting the application made for the enrollment of George Rogers and his minor brother, Coewee Rogers, as citizens by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time no protest has been filed the names of the applicants will be placed upon the final rolls of the citizens of the Chickasaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tams Bixby.
Chairman.

Registered.

Enc. MAY 58

Choctaw 3 398

COPY.

Muskogee, Indian Territory, March 26, 1903.

Choctaw Enrollment Division,
Commission to the Five Civilized Tribes.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 26, 1903, granting the application made for the enrollment of George Rogers and his minor brother, Coovee Rogers, as citizens by blood of the Choctaw Nation.

It appears from the records of the Commission that the applicants herein were enrolled on the 1894 Strip Payment Roll, Canadian District, page 86, Nos. 1806 and 1807.

Respectfully,
(SIGNED)

Tams Bixby.
Chairman.

Enc. INV 58(a)

Muscogee, Indian Territory,

August 18th, 1900.

George Rogers,

Stringtown, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs. McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment and the enrollment of George Rogers as citizens of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-395.

Choctaw D 395

Muskogee, Indian Territory, Junly 1, 1902.

George Rogers,

Stringtown, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 24, 1902, in which you want to know if you have any rights in the Choctaw Nation.

In reply to your letter you are advised that on April 10, 1902, the matter of your application for enrollment as a citizen of the Choctaw Nation was called for final consideration at the office of the Commission at Muskogee, Indian Territory and no appearance was made by you or on your behalf or on behalf of the Choctaw Nation.

The Commission now considering the case closed will as early as practicable render a decision in the matter of your application for enrollment as a citizen of the Choctaw Nation, of which decision you will be duly advised and also notified of the forwarding of the record in the case to the Secretary of the Interior for his review.

Yours truly,

Commissioner in Charge.

MEMORANDA.

(Date) *Aug 31* 1899.

Name

Choctaw ? County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Mother's citizenship

Intermarried citizen ?

Married under what law ?

License filed this day,

Wife's name,

Choctaw ? County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Mother's citizenship

Intermarried citizen ?

Married under what law ?

License filed this day

WC
16 ✓ Names of children:
Coamer Rogers County *Jacks Fork* Year *96* Page *282* No. *11013*
21 ✓ *George* " County " Year " Page " No. *11012*
WC

County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.

✓ as to citizenship see testimony of Laveta Rogers. - above children also on Cherokee Rules

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1395

Choe 5657

Thomas D. Lee

Trans. from Choe # D376

4-11-03

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Commission to the Five Civilized Tribes,

Atoka, Indian Territory.

In the enrollment of Thomas D. Lee and family as Choctaws;
being sworn and examined by com'r McKennon he testifies:

Q What is your name? A Thomas D. Lee.

Q How old are you? A Twenty-eight.

Q Your mother was a Choctaw citizen? A Yes sir.

Q Your father was a Cherokee citizen? A Yes sir.

Q Your mother has lived with your father in the Cherokee Nation
ever since their marriage? A Yes sir.

Q You were born and raised in the Cherokee Nation? A Yes sir.

Q You are on the Cherokee rolls there? A Yes sir.

Q You never were on the Choctaw rolls here until in 1896?

A No sir, not as I know of.

Q Are you still residing in the Cherokee Nation? A No sir,
I am living here.

Q When did you come here? A 20th of this August was three
years ago.

Q Your wife is a white woman? A Yes sir.

Q You were married to her in the Cherokee Nation according to
the Cherokee laws? A Yes sir.

Q She then became an intermarried Cherokee citizen? A Yessir.

Q She has never married you according to Choctaw laws?

A No sir.

Q Your children that you have enrolled here, Willie H. and Maud,
are the children of your white wife Lela G. Lee? A Yes sir.

Q That is a statement of the facts as they are? A Yes sir.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
stenographer to above named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. Green

70396

20

Q

IN RE

Application for Enrollment of.

INFANT CHILD.

Maudie A. Lee

As a citizen of the

Christian Nation.

Approved.....I.....

Commissioner.

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Maudie A. Lee, born on the 25th day of September, 1898.
Name of father: J. D. Lee, a citizen of the Choctaw Nation.
Name of mother: Lela C. Lee, a citizen of the Choctaw Nation.
Post Office: Atoka D. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Atoka District.

I, Lela C. Lee, on oath, state that I am 26 years of age and a
citizen, by inter-marriage, of the Choctaw Nation; that I am the
lawful wife of J. D. Lee who is a citizen, by blood, of the
Choctaw Nation; that a girl child was born to me on the 25th day
of Sept, 1898; that said child has been named Maudie A. Lee,
and is now living.

Subscribed and sworn to before me this 30th day of Aug, 1899.

J. H. Chambers
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Atoka District.

I, J. S. Fulton, a Physician on oath, state that I
attended on Mrs. Lela C. Lee, wife of J. D. Lee
on the 25th day of Sept, 1898; that there was born to her on said date a girl child;
that said child is now living and is said to have been named Maudie A. Lee.

Subscribed and sworn to before me this 30th day of Aug, 1899.

J. S. Fulton
J. H. Chambers
Notary Public.

CHOCTAW.

20

XIX

IN RE

Application for Enrollment of

INFANT CHILD

Wanne G. Lee

as a citizen of the

Choctaw

Nation.

Approved,

FEB 18 1901

190

[Signature]
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

FEB 18 1901

[Signature]

ACTING CHAIRMAN.

CHOCTAW.

D-396.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Mamie A. Lee, born on the 4th day of February, 1901.
(Here insert name of child.)
Name of Father: Thos. D. Lee, a citizen of the Choctaw Nation.
Name of Mother: Leila C. Lee, a citizen of the Choctaw Nation.
Post-office, Atoka - Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, Leila C. Lee, on oath state that I am 29
years of age and a citizen, by marriage, of the Choctaw Nation;
that I am the lawful wife of Thos. D. Lee, who is a citizen, by
blood, of the Choctaw Nation; that a female child was
(male or female)
born to me on the 4th day of February, 1901; that said child has been
named Mamie A. Lee, and is now living.

WITNESSES TO MARK:

Leila C. Lee

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 13th day of February, 1901.

Maudie Miller
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, J. S. Fulton, a Physician, on oath state that I
attended on Mrs. Leila C. Lee, wife of Thos. D. Lee,
on the 4th day of February, 1901; that there was born to her on
said date a female child; that said child is now living and is said to have been
(male or female)
named Mamie A. Lee.

WITNESSES TO MARK:

J. S. Fulton

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 12th day of February, 1901.

Maudie Miller
NOTARY PUBLIC.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, INDIAN TERRITORY, FEBRUARY 23, 1901.

In the matter of the death of Maude A. Lee, the infant child of Thomas D. Lee and Leila C. Lee. Thomas D. Lee, being first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A Thomas D. Lee.
Q How old are you? A I am going on twenty nine.
Q Are you a citizen of the Choctaw Nation? A Yes sir.
Q What is your post office address? A Atoka.
Q Are you married? A Yes sir.
Q What is your wife's name? A Leila C.
Q How many children have you? A I have two.
Q What are their names? A Willie H. Lee and Mamie A. Lee.

The name of Thomas D. Lee and his wife, Leila C. Lee, and their three minor children, Willie H., Maude A., and Mamie A. Lee, appear upon Choctaw roll card field number D 396.

- Q Mr. Lee, when you made application for the enrollment of yourself and family in August, 1899, you stated to the Commission that you then had two children living, Willie H. and Maude A.? A Yes sir.
Q Where is Maude A.? A She is dead.
Q When did she die? A She died last April, I could not say just when; between the tenth and fifteenth I think.
Q Did she die here in Atoka? A Yes sir.
Q Buried here? A Yes sir, out here in the cemetery.

Witness excused.

J. W. McClendon, having been called and sworn as a witness in this case, testifies as follows:

Examination by the Commission.

- Q What is your name? A J. W. McClendon.
Q How old are you? A Thirty three.
Q What is your post office address? A Atoka?
Q Are you a practising physician? A I am.
Q Do you know Thomas D. Lee? A I do.
Q Did you ever know a child of his named Maude A.? A Yes sir.
Q Is she living? A No sir.
Q When did she die? A I don't remember.
Q Just guess at it. A Something like a year ago, I really don't remember.
Q You were present when she died? A Yes sir, a few minutes after.
Q Were you the attending physician at the time of her death?
A Yes sir.
Q Was she buried here in Atoka? A I think so/ I didn't attend the funeral.
Q Do the authorities here require a certificate to be made as to the death of persons who are buried? A No sir.

Witness excused.

Thomas D. Lee
Hattie A. Lee

Anna Bell, having been first duly sworn, on her oath states that, as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on February 21, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell

Subscribed and sworn to before me this 27 day of February, 1901.

Charles H. Sawyer

Notary public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, INDIAN TERRITORY, FEBRUARY 23, 1901.

In the matter of the application of Thomas D. Lee, his wife and two minor children to be enrolled as citizens of the Choctaw Nation, and to elect as such citizens under the provisions of the twenty first section of the Act of Congress of June 28, 1898.

S T A T E M E N T .

Thomas D. Lee, twenty eight years of age, Leila C. Lee, his wife, an intermarried white person, twenty six years of age, and their two children, Willie H. Lee and Mamie A. Lee, appear upon the records of the Commission, listed for enrollment as doubtful claimants to citizenship in the Choctaw Nation on Choctaw roll card, field number D 396; the names of these persons having been placed upon a doubtful card for the reason that it appears that Thomas D. Lee has received benefits and been enrolled as a citizen by blood of the Cherokee Nation, and there is on file with the records of the Commission evidence of his marriage to his white wife, Leila C. Lee, under the laws of the Cherokee Nation, the marriage license having been issued by Isaac Jacobs, District Judge of Sequoyah District, Cherokee Nation.

Thomas D. Lee, having been duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A Thomas D. Lee.
Q How old are you, Mr. Lee? A I will be twenty nine my next birthday.
Q What is your post office address? A Atoka.
Q How long have you resided in the Choctaw Nation? A I have been here ever since somewhere about the first of '96.
Q Came here in '96? A Yes sir, in '96.
Q Came here with your family? A Yes sir.
Q Where did you come from? A From the Cherokee Nation here.
Q You had lived in the Cherokee Nation prior to the time when you had moved to the Choctaw Nation in '96? A Yes sir, I lived there off and on up till I married, until about two years after I was married, or three or something like that and then I came here.
Q What is your father's name? A James.
Q James Lee? A Yes sir.
Q What tribe of Indians did he belong to? A He was Cherokee.
Q How much Cherokee? A I suppose he was about a quarter.
Q What was your mother's name? A Elizabeth Goar, Choctaw.
Q She was a Choctaw? A Yes sir, raised about twenty miles below here.
Q She lived in the Cherokee nation with your father? A Yes sir.
Q When did she go from the Choctaw Nation to the Cherokee Nation?
A Where?
Q When? About how long ago? A I could not tell you that; directly after they were married though.
Q That is, if I understand you correctly, your father, a Cherokee

- Indian, came into the Choctaw Nation and married your mother, and after their marriage they moved to the Cherokee Nation? A Yes sir.
- Q Did they always live there up to their death? A Yes sir.
- Q Your father and mother both died in the Cherokee Nation? A Yes sir.
- Q You were born in the Cherokee Nation? A Yes sir.
- Q And you lived there up to 1896 when you and your wife and what family you had returned to the Choctaw Nation? A Yes sir.
- Q You had never had any residence in the Choctaw Nation prior to 1896? A Well, no, not myself, up to the time when I become twenty one and I came here then at the request of Green McCurtain and William H. Harrison, as William was the guardian over us three children, two sisters, after mother died, and he was appointed guardian over some estate here for us, and on father's side we had a guardian on our father's side, one of his brothers, for us, until we was twenty one and consequently we had to remain there until we was of age, and after I was of age I come here and got acquainted with some of my connections.
- Q Was you ever enrolled on the Choctaw rolls by the Choctaw tribal authorities prior to the time your name was placed on the 1896 census roll? A I could not tell you, unless it was placed there by Harrison.
- Q Did you, in 1893, that would be about eight years ago, draw what was known as the Leased District payment? A No, I didn't myself.
- Q Did any one draw it for you? A I don't know, I understand that Harrison drew it for me, I didn't get it myself. I have been told that he has; my youngest sister drew hern, she was here before I was. She got hern.
- Q In 1880 you were living in the Cherokee Nation? A Yes sir.
- Q Do you know whether you were enrolled there in 1880? A In 1880? What was that for?
- Q That was what is known as the authenticated Cherokee roll; the roll was made up and adopted by the Cherokee legislature as the roll of citizenship? A Was that when that payment was made up there?
- Q No sir, that is twenty one years ago. A I could not tell you.
- Q When you lived in the Cherokee Nation what district did you live in? A In Sequoyah; that was where I was born, there.

There appears upon the 1880 authenticated roll on page 707, number 796, Sequoyah District, the name of Tom Lee, ten years of age.

- A Yes, I was placed there by John Lee; he was my guardian; that is my father's brother; yes, he was my guardian.
- Q Were your parents living in '80? A No sir, I was only about eight years old when they died; yes sir, I am the oldest one, I just can remember myself, I was small.
- Q Now you state that you had two sisters? A Yes sir.
- Q That were younger than you? A Yes sir.
- Q Who are they? What are the names? A One of them's name is Beck and the other Landram; they are married; Janie Landram, that is her name and Nannie M. Beck is the other, that is the youngest one; her post office is Stringtown; that is the one who drew that last payment of \$103.00 here.
- Q Now were you living in the Cherokee Nation when the 1894 "Strip Payment" was made to the Cherokees? A Yes sir.
- Q Did you draw that? A Yes sir.
- Q Did you draw for anybody beside yourself? A I drew for Emmet my youngest child, he is dead; he died there.

Thomas D. Lee-3

- Q Do you know whether your name was placed on the 1896 census roll in the Cherokee Nation? A Where, up there?
- Q Yes sir? A No sir, I have authorized nobody; I forfeited all my rights to come here; it was requested that I would have to take my land on my mother's side; the Commissioners withdraw, consequently I can't.
- Q You drew the '94 strip payment of the Cherokee Nation as a resident of Sequoyah District? A Yes sir.
- Q Have you always been recognized in the Choctaw Nation? A I have.
- Q Both you and your family since you came here in 1896 as citizens? A I have; no dispute at all; voted and everything.
- Q Mr. Lee, from an examination of the records and your testimony, it appears that you have been recognized and enrolled as a citizen of both the Choctaw and the Cherokee Nations? A I claim no rights at all there on the question of my connections and have presumed before I moved here that I would have to take my allotment on my mother's side; that the Commissioners withdraw to the mother's side when they were Indians.
- Q Now when you came to the Choctaw Nation from the Cherokee Nation were you ever adopted by an act of the Choctaw Council? A Was I?
- Q Yes? A Not as I know of.
- Q The Citizenship Commission placed you on the 1896 roll as a citizen? A Yes sir.
- Q You and your wife? A Before they accepted my wife as a Choctaw citizen, they requested me to get a certificate from the Judge of the Cherokee Nation who married her before they would accept her as a Choctaw citizen, consequently I had to send back and get my certificate before they would accept her.
- Q Have you ever been married to Leila C. Lee under the Choctaw law? A No sir, that is not the law; they transfer from one nation to the other.
- Q The only law that you have been married under to Leila C. Lee is the Cherokee law? A Yes sir; that isn't the law; where they are citizens a Choctaw man or a Cherokee man either one marries a white woman, why they don't have to get no license, has not been ever since I can recollect.
- Q You stated that the time that you came here in '96 and the Citizenship Commission enrolled you as a Choctaw that they accepted the Cherokee certificate of your marriage to Leila C. Lee?
- A Yes sir, they did.
- Q And enrolled your wife as an intermarried Choctaw? A Yes sir.
- Q Did they ever require anything more from you, any other marriage certificate? A Did not.
- Q Who was on the Commission at that time? A Why, I could not tell you. Isaac Jacobs, the Judge that married us is a cousin to Green McCurtain; he is a Choctaw himself, Isaac Jacobs; he has been in the Cherokee Nation ever since I can recollect.
- Q Well, Mr. Lee, it appears that you and your family have been recognized and enrolled as citizens of both the Choctaw and Cherokee Nations, but in the creation of rolls of citizens of the Five Tribes of Indian Territory, the Commission is only empowered to place the names of persons for enrollment upon the rolls of one tribe--
- A Yes sir.
- Q And under the provisions and the act of Congress of June 28, 1898, it is provided that:
- "The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distributions of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only,

Thomas D. Lee-4

and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere." Now, under the provisions of this section of the act of Congress of June 25, 1898, do you elect for yourself, your wife and your children to be finally enrolled as citizens of the Choctaw or Cherokee nation?

A Of Choctaw, because I am here.

Q If the Commission so enrolls you and your wife and your children as citizens of the Choctaw Nation, and your name is approved upon the final rolls of the Choctaw Nation, do you, for yourself, your wife and your children, relinquish all your right, title and interest to the lands, moneys and privileges of the Cherokee Nation?

A I do.

Anna Bell, having been duly sworn, on her oath states that, as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on February 23, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell

Subscribed and sworn to before me this 27 day of February, 1901.

Charles H. Sawyer

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, November 20th, 1902.

Choctaw D 396
Intermarried.

In the matter of the application of Lela C. Lee for enrollment as an intermarried citizen of the Choctaw Nation.

Lela C. Lee, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Lela C. Lee.
Q How old are you? A Thirty one.
Q What is your post office address? A Atoka, Indian Territory.
Q How long have you resided in the Choctaw Nation? A Six years.
Q Have you lived here continuously for the past six years? A Yes sir.
Q Where did you live before that? A In the Cherokee Nation, that is where I was married.
Q Do you claim intermarried rights in the Choctaw Nation? A Yes sir.
Q What is the name of your Choctaw husband through whom you claim these rights? A Thomas D. Lee.
Q Is he a recognized and enrolled citizen of the Choctaw Nation? A Yes sir.
Q His rights have never been disputed? A Not that I know of.
Q When were you married to Thomas D. Lee? A Twelve years ago.
Q Where was this marriage ceremony performed? A Muldrow, Cherokee Nation.
Q Under what law were you married? A Cherokee tribal law.
Q Did you procure a Cherokee tribal license? A No sir.
Q Who performed the marriage ceremony? A Judge Jacobs.
Q At that time both you and your husband were residents of the Cherokee Nation? A Yes sir.
Q How long after this marriage did you move to the Choctaw Nation? A In 1896 we came here.
Q That is the only time you were ever married to Thomas D. Lee? A Yes sir.
Q Were you ever married before your marriage to Thomas D. Lee? A No sir.
Q Was he ever married before his marriage to you? A No sir.
Q Since that marriage have you lived together continuously as husband and wife? A Yes sir.
Q There has been no separation, abandonment or divorce? A No sir.
Q Are you at present living together as bona fide residents of the Choctaw Nation? A Yes sir.

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Harry C. Kisten, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 20th day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 5 day of January 1903.

Charles H. Sawyer

Notary Public

L. E. D.

7 D 396

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Thomas D. Lee, Willie H. Lee, Maude A. Lee and Mamie A. Lee, as citizens by blood, and for the enrollment of Leila C. Lee as a citizen by intermarriage of the Choctaw Nation.

DECISION.

It appears from the census card and other records in this case that Thomas D. Lee appeared before the Commission at Atoka, Indian Territory, on August 21, 1899, and made personal application for the enrollment of himself and his two minor children, Willie H. Lee and Maude A. Lee, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Leila C. Lee, as a citizen by intermarriage of the Choctaw Nation; and that thereafter, on February 18, 1901, written application was made to this Commission for the enrollment as a citizen by blood of the Choctaw Nation of Mamie A. Lee, infant child of Thomas D. Lee and Leila C. Lee, proper proof of the birth of said child, on February 4, 1901, being filed with the Commission on the date of said application. Further proceedings were had in the matter of these applications at Atoka, Indian Territory, on February 23, 1901, and in the matter of the application for the enrollment of Leila C. Lee at Atoka, Indian Territory, on November 20, 1902. At the proceedings had at Atoka, Indian Territory, on February 23, 1901, proof of the death of the minor applicant, Maude A. Lee, was made to the Commission.

The evidence in this case shows that Thomas D. Lee is the son of James Lee, deceased, a citizen by blood of the Cherokee Nation, and Elizabeth Lee, deceased, a citizen by blood of the Choctaw Nation; that applicant Leila C. Lee was married to Thomas D. Lee on October 5, 1893, in accordance with the laws, customs and usages of the Cherokee Nation; and that the minor applicants herein are the offspring of said union.

On an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, the names of Thomas D. Lee (as Thos. D. Lee), and Willie H. Lee (as Willie Lee), are identified on the 1896 Choctaw census roll, numbers 8322 and 8323, respectively, enrolled as citizens by blood of said Nation. The name of Leila C. Lee (as Lula Lee), is identified on said roll, number 14,790, enrolled as a citizen by intermarriage of said Nation. Applicant Mamie A. Lee, having been born subsequent to the preparation of the last tribal rolls of the Choctaw Nation, is identified by proper evidence of birth filed with the Commission and made a part of the record in this case.

The evidence in this case further shows that all of the applicants herein who were living on June 28, 1898, were residents in good faith of Indian Territory; that applicant Thomas D. Lee had resided in said Territory all his life prior thereto, and that the residence of his minor children, Willie H. Lee and Mamie A. Lee, is considered that of their father; that Leila C. Lee, since the

Thomas D. Lee, et al.-2

date of her marriage, on October 5, 1893, with Thomas D. Lee in the Cherokee Nation, has lived continuously in Indian Territory with her said Choctaw husband up to and including September 25, 1902.

It further appears from the record herein that at the proceedings had in the matter of this application at Atoka, Indian Territory, on February 23, 1901, applicant Thomas D. Lee appeared in person before the Commission and under the provisions of the act of Congress approved June 28, 1898 (30 Stat., 495), elected for himself, his wife, Leila C. Lee, and his minor children, Willie H. Lee and Mamie A. Lee, to be finally enrolled as citizens of the Choctaw Nation, and to take allotment of lands and distribution of moneys in said nation.

It is, therefore, the opinion of this Commission that Thomas D. Lee, Willie H. Lee and Mamie A. Lee should be enrolled as citizens by blood, and that Leila C. Lee should be enrolled as a citizen by intermarriage of the Choctaw Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

It is further the opinion of this Commission that the application for the enrollment, as a citizen by blood of the Choctaw Nation, of Maude A. Lee, who died prior to September 25, 1902, should be denied under the provisions of section twenty-eight of the act of Congress approved July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE ~~INDIAN~~ CIVILIZED TRIBES,


Chairman.

COMMISSIONER.


COMMISSIONER.


COMMISSIONER.

Muskogee, Indian Territory,

MAR 26 1903

COPY.

Cheetaw-D-396

Muskegee, Indian Territory, March 26, 1903.

Thomas D. Lee,

Ateka, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission rendered March 26, 1903, granting the application made for the enrollment of yourself and your minor children, Willie H. Lee and Mamie A. Lee as citizens by blood, and of your wife, Leila C. Lee as a citizen by intermarriage of the Cheetaw Nation.

The attorneys for the Cheetaw and Chickasaw Nations have been furnished a copy of the decision in this case and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Cheetaw Nation. If at the expiration of that time, no protest has been filed, the names of the applicants will be placed upon the final rolls of the citizens of the Cheetaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

James Bixby.
Chairman.

Registered.
Enc. JLD. 1

COPY.

Choctaw-D-396

Muskogee, Indian Territory, March 26, 1903.

Cherokee Enrollment Division,
Commission to the Five Civilized Tribes.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission rendered March 26, 1903, granting the application made for the enrollment of Thomas D. Lee and his minor children, Willie H. Lee and Mamie A. Lee as citizens by blood, and of his wife, Leila C. Lee, as a citizen by intermarriage of the Choctaw Nation.

It appears from the records of the Commission that these applicants were recognized as citizens of the Cherokee Nation.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

Enc. JLB. 2 (A)

COPY.

Choctaw D 396

Muskogee, Indian Territory, March 26, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission rendered March 26, 1903, granting the application made for the enrollment of Thomas D. Lee and his minor children, Willie H. Lee and Mamie A. Lee as citizens by blood, and of his wife, Leila C. Lee, as a citizen by intermarriage, of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file pretest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time, no pretest has been filed, the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,
SIGNED

Tams Birba
Chairman.

Registered,
Enc. JLD 2.

715396

Manning's certificate of

Thomas H. Lee, &

J. C. Gleson

Recorded page
267

Cherokee Nation
Sequoyah District

Office District Judge
Sequoyah District

I do hereby certify that I, Isaac
Jacobs a district judge did on this
15 day of August 1891 join in marriage
Mr Thomas W. Lee a Cherokee citizen
and a resident of Sequoyah district
Cherokee Nation age 21 years old,
and Miss L. C. Glessan a citizen
of the United States and former
place of residence Logan county
state of Arkansas, age 20 years old,
a personable to the custom and law of
the Cherokee Nation.

Given from
under my hand in office this
15 day of October 1893

Isaac Jacobs

District Judge

Attested

And a true copy recorded
on page 167 Book A of marriages
this 6th day of Oct. 1893

W. B. Bruton

Clerk Seq. Dist. Ct.

Washington, Indian Territory, February 12, 1904

My dear Sir,

Indian Territory

Dear Sir,

I am in receipt of your letter of the 10th inst. and in reply to inform you that a review of the Cheyenne case has been made by the Commission on the part of the Cheyenne, and that the same is being prepared for publication. The results of this Commission are evidence of the birth of a new era.

Very truly,

John D. Smith

Muskogee, Indian Territory, February 19, 1901.

Thomas B. Lee,

Atoka, Indian Territory.

Dear Sir:

The records of the Commission show that the names of yourself, your wife and your three children, Willie R., David A. and Maria A. Lee have been listed for enrollment as doubtful claimants to citizenship in the Cherokee Nation, by reason of the fact that it appears you were born and raised in the Cherokee Nation and resided there until about the year 1890 when you and your family removed to the Choctaw Nation.

That during your residence in the Cherokee Nation, you were married to a white woman known as Sarah Lee. That your father was a Cherokee and your mother a Choctaw Indian.

The Commission has therefore to request that you appear personally in person at its office in Atoka, Indian Territory, on Saturday the 23rd day of February at 9 o'clock A. M. for the purpose of a further examination as to your dual citizenship in the Choctaw and Cherokee Nations.

It is most important in the matter of the rights of you and your family to enrollment, that you be present in compliance with this request.

Yours truly,

7-D-396

Acting Chairman.

Muskogee, Indian Territory, February 19, 1901.

Manfield, McMurtry & Cornish,
Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

The Commission has this day written Mr. Thomas D. Lee at Atoka, Indian Territory, requesting him to present himself in person before the Acting Chairman of the Commission at the office in Atoka, Indian Territory, on Wednesday the 23rd day of February, at 9 o'clock A. M.

Mr. Lee and his family appear upon our record as listed for enrollment as doubtful claimants to citizenship in the Choctaw Nation. There is no question as to the Cherokee citizenship of Mr. Lee and his children. His wife, Julia D. Lee claims as a citizen. Intermarriage has the evidence of such marriage file with this office is under the laws of the Cherokee Nation.

This information is given so that you as the legal representatives of the Choctaw Nation may have some one present at this time.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, February 28, 1901.

Hon. Sam Bixby,

Acting Chairman, Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Dear Sir:

I enclose you herewith four copies of the testimony of Thomas D. Lee, taken at Atoka, Indian Territory, on February 28rd, 1901 in the matter of the application of Thomas D. Lee, his wife and two minor children to be enrolled as citizens of the Choctaw Nation.

Mr. Lee's father was a Cherokee Indian and his mother a Choctaw Indian and the name of Mr. Lee appears upon the Cherokee and Choctaw rolls. His wife is an applicant for enrollment as an intermarried citizen of the Choctaw Nation and was married to Mr. Lee in the Cherokee Nation under a license issued by the Cherokee tribal authorities.

Mr. Lee at the time of the taking of this testimony elected to have himself, his wife and his children finally enrolled upon the rolls of citizenship of the Choctaw Nation.

The names of these applicants appear upon our record of Choctaw enrollment cases on Choctaw roll card, field No. D 396. The same is forwarded you herewith for transmission to the records of applicants for enrollment as citizens of the Cherokee Nation.

From an informal conversation with Mr. Lee, I understood that he has two sisters whose status is the same as his. One of

T B 4

then living about five miles west of Alicka and the other one at
Birlingtown, in the Onondaga Nation.

Yours truly,

Clerk in Charge Shootaw
Onondaga Enrollment Division

T-4-300

Dec 22

Muskogee, Indian Territory, March 5, 1901.

Hansfield, McMurray & Cornish,
Attorneys at Law,
South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 2nd instant, in which you state that on February 19, 1901, you were advised by the Commission that Mr. Thomas D. Lee, of Afton, Indian Territory, would appear at Muskogee on February 23rd, and that on that date you advised the Commission that you did not desire at that time to offer any additional testimony on behalf of the Cherokee Nation in the matter of Mr. Lee's application for the appointment of himself and his family as witnesses in the Cherokee Nation.

You now desire to be furnished with a copy of any testimony, if such was taken upon the appearance of Mr. Lee before the Commission.

In reply to your letter, the Commission has to inform you that on February 23, 1901, we furnished you a correct copy of the testimony of Thomas D. Lee of the Cherokee Nation, his appearance at Muskogee, Indian Territory, on February 23, 1901.

Yours truly,

Acting Chairman.

7-0-394.

Muskogee, Indian Territory, July 13, 1903.

T. D. Lee,
Atoka, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of July 2, in which you ask if T. D. Lee, Lelia G. Lee, Mamie A. Lee and Willie H. Lee have been enrolled and if so you request tickets of admission to the land office.

In reply to your letter you are informed that it appears from the records of this office that Thomas D. Lee, his wife Lelia G. Lee and their children Mamie A. Lee and Willie H. Lee have been enrolled by this Commission as citizens of the Choctaw Nation but their names have not yet been placed upon the Schedules of citizens by blood of said Nation prepared for forwarding to the Secretary of the Interior.

Relative to the selection of your allotments at this time your attention is invited to Section 15 of the Rules and Regulations governing the selection of allotments and the designations of home steads in the Choctaw and Chickasaw Nations, a copy of which is herewith enclosed you.

Respectfully,

(Enc.)

Rules for allotment.

Commissioner in Charge.

7-5657

Muskogee, Indian Territory, October 9, 1903.

Thomas D. Lee,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 3, 1903, wherein you ask if your name has been forwarded to the Secretary of the Interior for approval.

In reply to your letter you are informed that it appears from our records that Thomas D. Lee and his children, Willie H. and Mamie A. Lee, have been enrolled by this Commission as citizens by blood of the Choctaw Nation and their names have been placed upon a schedule of such citizens which has been forwarded to the Secretary of the Interior for approval. The Commission has not been advised, however, of Departmental action in this matter.

The name of your wife, Leila C. Lee, has not yet been placed upon the schedules of intermarried citizens of the Choctaw Nation, prepared for forwarding to the Secretary of the Interior.

Respectfully,

Chairman.

7-5657

Muskogee, Indian Territory, February 24, 1906.

Chief Clerk,

Cherokee Enrollment Division.

Dear Sir:

Replying to your verbal inquiry you are advised that Thomas D. Lee has been enrolled as a citizen by blood of the Choctaw Nation and his enrollment as such was approved by the Secretary of the Interior, October 15, 1905, his name appearing upon the approved roll of citizens by blood of said nation opposite No. 14969.

You are further advised that Thomas D. Lee has voluntarily selected an allotment of land in the Choctaw-Chickasaw country.

Respectfully,

Acting Commissioner.

(Date) Aug 31 1899.

Married under what law ?

License filed this day.

Intermarried citizen ?

Married under what law

License filed this day

Names of children :

[illegible]

✓ On race Thos. D. Lee
✓ " " Lula Lee
" " Willie "

Born & raised in Cherokee Nation, Oklahoma
until 3 yrs ago when came to Choctaw
Nation. Married while woman in Cherokee
Nation. Father a Cherokee, Mother a Choctaw.
John Finimong.

Choc 5658

Annie Dunn

Trans from Choc # D 399

4-6-03

5658

Commission to the Five Civilized Tribes,
Atoka, Indian Territory.

In the enrollment of Annie Dunn as a ghostaw; William M. Dunn
being sworn and examined by Com'r McKennon he testifies:

- Q What is your name? A William M. Dunn.,
- Q How old are you? A Thi rty-seven.
- Q What is your wife's name? A Annie Dunn.
- Q Her mother was a Cherokee? A Yes sir.
- Q Do you know when her mother came to this country?
- A When she was a small girl.
- Q Do you know whether she ever returned to the Cherokee Nation
or not? A She has been there on visits.
- Q Did she draw money there? A Yes sir.
- Q Did your wife draw money there? A Yes sir.
- Q When did she draw money there last? A She drew only once,
that was in the Strip payment.
- Q Is she on the roll of 1880? A No sir.
- Q You don't know about that do you? A Yes sir.
- Q Were you married to her then? A No sir.
- Q How do you know then? A I dare to say that she never en-
rolled there but once, and that was at the time of the Strip Pay-
ment.
- Q Has she ever lived in the Cherokee Nation? A Yes sir.
- Q Did your children draw money there too? A One child.
- Q Which one? A Lillian G., the oldest.
- Q Did you draw money there? A No sir.
- Q Your wife's father was a recognized ghostaw citizen was he?
- A Yes sir.

Department of the Interior
Commission to the Five Civilized Tribes

I hereby certify, upon my official oath as
stenographer to above named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. McKennon

7468

In the Matter of
Enrollment of Wm
M. Drenns family
as Choctaw citizen

Proof of Apparent

FILED
MAY 21 1900
COMMISSION TO FIVE TRIBES.

10.399

I

To the Honorable Commission to the Five Tribes,

Gentlemen: Your petitioner W.M. Dunn of Atoka County Cheetaw Nation, in behalf of his wife Annie Dunn, and his children (who were refused enrollment as cheetaws, at Atoka in September 1899, and placed on a white card, on the grounds that she was a Cherokee by blood) realizing that the destiny of my family lies in your hands, most earnestly, and respectfully begs of you a deliberate and careful reconsideration of their case, which I will endeavor to submit to you in as brief a manner as possible, and hope that you will be lenient enough to peruse the same with care and render a conscientious decision, (which I believe is your aim in all things) I am loathe to infringe on your valuable time, but the matter is of such serious importance to my helpless and dependant offspring, that I humbly ask to be heard again.

Status of Indian Blood.

Your petitioner W.M. Dunn, is a Cheetaw Indian by blood, and was so registered by your Honorable Body at Atoka in September 1899, and has been enrolled upon every Cheetaw roll since he was adopted by a special act of the General Council of the Cheetaw Nation in Oct 1877; and

Annie Dunn, the wife of your petitioner, is a daughter of W.G. Ward, a Cheetaw Indian by blood, who was duly enrolled as such by your Honorable Body at Caddo, in Blue County, Cheetaw Nation, last September, and who is a member of the Cheetaw Senate.

Her mother, whose maiden name was Eliza Beck, is of Cherokee blood, and came with her parents to Blue County, Cheetaw Nation, in the year 1864 or 5, and by common consent of the Cheetaw people and the Government were permitted to improve a home and a farm, and were recognized as Cheetaw citizens, by the Officers and citizens of the Nation until the time of their death in the year 1889 and 1891, respectively.

Said mother of Annie Dunn, was married to said W.G. Ward, her present husband about the year 1865, and has been regarded as a citizen of the Cheetaw Nation by intermarriage, ever since that time by the people throughout the country.

Therefore, She has been recognized and allowed to live here as a citizen of the Cheetaw Nation, about 35 years, Has continued to reside in the same neighborhood and rear her family there as a Cheetaw family throughout these many years.

Special reasons suggested for enrollment as Cheetaws.

Minnie Dunn, wife of your petitioner, is the child of a Cheetaw by blood, and my childrens parents are both Cheetaws by blood.

Annie Dunn, and children, were all born and reared in Blue County Cheetaw Nation, on their native soil, and have never in their lives removed therefrom, and are still living near the place of their birth.

They were enrolled and participated in the "Leased District" payment, which was a payment to Cheetaws by blood only.

Annie Dunn, and her brothers and sisters, children of W.G. Ward and wife aforesaid, were accepted as Cheetaw citizens by New Hope Seminary, Tuskegee Academy, Rameke College at Salem, Va., and all Cheetaw neighborhood schools which they attended, In fact, from their infancy they have always been considered and recognized by the Cheetaw Tribe or Nation as a part of it, and never for a moment supposed that any doubt could or would arise as to their citizenship they being direct descendants of Cheetaw Indians by blood, born and reared among them in the land of their inheritance.

See Act of Congress Approved May 28th 1830, and

Article 1st Treaty of 1855, Viz "The United States do hereby forever secure and guarantee the lands embraced within the said limits to the Cheetaw and Chickasaw tribes, their heirs and successors-----"

Your petitioners wife and children, appear to be heirs of a member of the Cheetaw Tribe, by a straight line of blood, Annie Dunn, (wife) from her father, and my children from both father and mother, and every member of my family descendants of members of the Cheetaw tribe of Indians, unchallenged by the world.

Again the first Act of Congress authorizing the Dawes Commission to decide upon citizenship claims, directs "That the Commission give due regard to the laws, Customs and Usages of the various tribes"

It has been the observation of your petitioner, during his 23 years residence among the Cheetaws, that all legitimate children of a Cheetaw man were recognized as heirs by blood to all the

rights, privileges and immunities, of any other Chectaw Indian, and an equal heir with all other members of the tribe, regardless of whether his wife was a white woman or a member of another tribe of Indians, and in petitions before the various Chectaw Councils for citizenship, the blood alone was required to be proved, regardless of which parent in was inherited from, the undoubted existence of a line of Indian blood was the determining fact.

Again under the Act of Congress known as the "Curtis Bill" now in force "The several tribes, by agreement may determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys, belonging to each tribe; but if no such agreement is made, then such claimant shall be entitled to such rights in one tribe only, and may select in which tribe he will take such right; but if he fail or refuse to make such selection in due time he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distribution, and not elsewhere."

Therefore, in compliance with the Curtis Bill, my wife and children have selected their rights in the Chectaw Tribe or Nation.

Again the Curtis Bill provides "That no person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship"

In compliance with the above law, my wife and children have never had any other home than in the Chectaw Nation, my children now living in the same home in which they were born, and my wife but 16 miles from the place of her birth. Even should they choose to be enrolled in the Cherokee Nation, they would be debarred from doing so, as they have never removed to and settled in good faith, in that Nation.

In regard to petitioners wife and eldest child having participated in the Cherokee "Strip payment", That payment was made prior to the enactment of the Curtis Bill, as above quoted, and at that time we believed that they were heirs by blood to an interest in the lands and distributions of the Cherokees, the same as of the lands and distributions of the Chectaws, as it was through the blood alone that they were to inherit an interest in the estate of either

tribe; Also as the "Strip payment" was strictly a payment to persons of Cherokee blood and the Cherokees being willing to share the Strip fund with them, they thought it worth asking for, and felt that it was justly due them, there being no law to the contrary at the time.

Petitioners three youngest children have never been placed on any roll except that of the Choctaws, and I learn that the name of my wife and eldest child have been eliminated from the Cherokee roll by the revision of the roll of that Nation, on the ground that they were non-residents, and had not removed to and in good faith settled in that Nation. Therefore the only roll on which my family now appears is the roll of the Choctaws,

The information that I gather from those who claim to be well posted on the laws of the Choctaw and Chickasaw people, on the question of when and under what circumstances the blood of the mother determines the citizenship of the child is this "Years ago when annuities were paid to the Choctaws and Chickasaws or whenever a census or roll of citizens by blood was taken, in the cases of persons born out of wedlock, who desired to be registered, and claimed the Indian blood from the father, they were refused enrollment, from the view that as they were illegitimate children, there was no way of knowing positively, whether the father was a Choctaw or of some other race, but where the mother was of Choctaw blood, it was conclusive evidence that the child inherited Choctaw blood regardless of what the father might be."

In conclusion your petitioner desires to say, that the mere receipt by his wife and children, of a share in the Cherokee Strip fund, should not be a sufficient reason to cause them to lose their interest in the land of their nativity, and cause them to have to give up the home of their childhood, and surrender to others the improvements and appurtenances of a comfortable home that your petitioner has spent the best years of his life in preparing; laboring under the belief that no Tribunal under the sun would ever question their right to the same, and having been taught from our infancy to confide in the honor and integrity of the

our rights.

My family has never had any right of appeal to the Courts, for having been accepted on all former rolls, by the various registration boards of the Chectaw Nation, and having never received any intimation that their "right to citizenship in the Chectaw Nation was in any way questioned, or to be questioned" they had nothing to appeal from, and now at this late day their only appeal lies to the consideration of your Honorable Body, and should an adverse decision be rendered, I can do nothing but look in despair upon the faces of my helpless offspring, while their birthrights are swept from under their feet.

Not wishing to weary you with a lengthy appeal for Justice, and believing that upon a deliberate consideration of all the circumstances, no error will be made in your decision.

I am most respectfully yours

.....

In addition to the foregoing, I will state that I knew of no law, custom or usage of the Chectaw tribe, requiring children of a legitimate marriage in the Chectaw Nation to prove the blood of their mother, when the father was a Chectaw Indian by blood, and when they had always been recognized as Chectaws, and would respectfully request that you cite me to the same, if you have ever discovered such, to have been in existence

Very respectfully,

W. M. Dunn

United States of America,
Indian Territory, ss

Central District

W.M.Dunn, having been by me duly sworn on his oath states that the matters and facts set forth in the foregoing petition are true as therein stated.

W. M. Dunn

Subscribed and sworn to before me this 5th day of December 1899.

Notary Public

Have reference to the following and certify that the same

IN WASHINGTON, APRIL 1, 1900

of the National of said Nation.

Chief in his official character, the same has been now submitted to the office

and at the regular session for October, 1900, and approved by the principal

and copy of the original Resolution of the National Council has

THIS IS TO CERTIFY, THAT the above and related matters are true and cor-

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
DEC 1 1900

APPROVED
October 31st, 1900.

and be in force from and after its passage and approval.

BE IT FURTHER RESOLVED that a copy hereof be transmitted to the said Native Com-

John Smith, Pennie Smith, Infant, children of Freeman Smith.

Smith.

John Smith; Nech Smith; Intel-muttled husband; Mary A. Smith; Onev

and Culperston and George C. Culperston, children of Kiltan A. Culperston.

George Ward Culperston, mother Cherokee, children of Robt. J. Ward; Kiltan

Ward; Frank J. Ward, children of Robt. J. Ward.

Robt. J. Ward, Jr.; Ada B. Ward; Irene Ward; Frederick Ward; Gertrude B.

and B. Ward, Jr.

A RESOLUTION
REQUESTING THE DAVES COMMISSION
TO RECALL CERTAIN PERSONS
FROM THE ROLL

WHEREAS, The Daves Commission by its ruling in the enrollment of
Chectaw citizens has decided that the children of other Indian blood who
was marry a Chectaw citizen, are not entitled to enrollment as Chectaw
citizens, but that such issue must take the status and citizenship of the
mother, and

WHEREAS, Said ruling will, if shared to, effect the rights and
interests of a number of persons who have in good faith, lived among the
Chectaw people, who have accumulated property interests in such faith, and
who have not heretofore been questioned as to their rights as citizens of
this Nation, but who have always been recognized as Chectaw citizens by
the authorities of said Nation,

THEREFORE,

BE IT RESOLVED by the General Council of the Chectaw Nation
Assembled; That the Daves Commission is hereby requested to register and
to enroll as Chectaw citizens by blood the following named persons, resi-
dents of the Chectaw Nation, except those marked inter-married, to wit:
Mary A. Freeny, re-admitted in the Cherokee Nation since 1866, mother Che-
rokee; Ella Freeny; Robt. C. Freeny; Ellis D. Freeny; all children of B.
C. Freeny; and Rufus Talbot, half-brother to Freeny children.

Coleman J. Hemer, mother Cherokee Indian; Blanche B. Hemer, wife, inter-
married; St. Clair Hemer, child.

Addie K. Sage, daughter of Chas. Betts, mother Cherokee; John T. Sage;
David E. Sage; Charles W. Sage; Wm. T. Sage; Ramsey D. Sage.

Valton Hampton, mother Cherokee; John Hampton.

Martha E. Ainsworth, daughter of R. C. Freeny, mother Cherokee; James O.
Ainsworth, son of James T. Ainsworth.

Mary McDuff, Chas. L. McDuff; Emma McDuff; Robt. L. McDuff; A. M. McDuff,
children of C. J. McDuff.

Eddie McDuff Lang, daughter of Rachel McDuff.

Patience Dorney, mother Creek.

Wm. A. Ward; Chas. A. Ward; Daisy Ward; Cora Ward; Wm. H. Ward, wife
of W. O. Ward.

Edna M. Ward, son of W. A. Ward; Kinada Ward, inter-married wife, Apache
blood.

Martha Fendree, daughter of Eliza Ward and W. O. Ward; Howard Fendree, son
of said husband; Della Ann Fendree; Kate Pearl Fendree.

Annie Dunn, daughter of Eliza Ward and W. G. Ward; Lillian G. Dunn; Al-
fred B. Dunn; Arthur W. Dunn.

Robt. J. Ward, Jr.; Ada B. Ward; Irene Ward; Frederick Ward; Gertrude B.
Ward; Frank J. Ward, children of Robt. J. Ward.

Eliza Ward Culbertson, mother Cherokee, children of Robt. J. Ward; Elijah
Ward Culbertson and Georgia C. Culbertson, children of Elijah W. Culbertson.

Core Ward Smith; Zach Smith, later-married husband; Mary T. Smith; Oney
Smith.

Olson Smith, Fannie Smith, Infant, Children of Freeman Smith.

It is ~~FURTHER~~ RESOLVED that a copy hereof be furnished the said Dawes Com-
mission by the National Secretary, and this Resolution shall take effect
and be in force from and after its passage and approval.

APPROVED October 27th, 1900.

THIS IS TO CERTIFY, THAT the above and foregoing is a full, true and cor-
rect copy of the original Resolution of the Chee-~~se~~ National Council pas-
sed at its regular session for October 1900, and approved by the Principal
Chief in his official character, the same being now on file in the office
of the National of said Nation.

IN TESTIMONY WHEREOF, I, Solomon J. Homer,
have hereunto affixed my official signature
and the seal of the Cheetaw Nation, this the
sixth day of December, One thousand Nine
hundred.

Solomon J. Homer

National Secretary,
Cheetaw Nation.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, INDIAN TERRITORY, JANUARY 23, 1901.

In the matter of the application of Annie Dunn and her four minor children for enrollment as citizens by blood of the Choctaw Nation, and also her election to be enrolled as a citizen of the Choctaw Nation under the provisions of the twenty first section of the act of Congress of June 26, 1896. Annie Dunn, having been first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A Dunn.
Q Your full name? A Annie Dunn.
Q How old are you, Mrs. Dunn? A Twenty eight.
Q What is your post office address? A Atoka, this town; Atoka. Well right now it is Coalgate, just for this winter.
Q How long have you been a resident of the Choctaw Nation? A I was born here, raised here.
Q What is your father's name? A Ward, William Ward.
Q Was he a Choctaw Indian? A Yes sir.
Q How much Choctaw? A I suppose he is one sixteenth, I think he is.
Q What county in the Choctaw Nation does he belong to?
A He lives in Blue County.
Q What is your mother's name? A She was a Beck.
Q What is her full given name? A Eliza Beck was her-- the only name.
Q Was she a citizen of the Choctaw Nation? A No sir, she was a citizen of the Cherokee Nation.
Q How much Cherokee blood did she have? A Half, nearly so.
Q Was she enrolled by the tribal authorities of the Cherokee Nation?
A No sir, I suppose they would not take her there any more, she was at one time.
Q Is she living now? A Yes sir.
Q Where? A Near Caddo.
Q In the Choctaw Nation? A Yes sir.
Q Did she marry a Choctaw Indian? A Yes sir.
Q Has she ever been recognized as a Choctaw? A I guess so, she has had all the privileges of the Choctaws.
Q Did she ever derive any benefits as a Cherokee? A Well, nothing more than she had her money paid to her as a Cherokee several years ago.
Q Do you know whether her name was on the 1880 authenticated roll of the Cherokee Nation? A No sir, I don't think it was; I am most sure it was not.
Q What is your husband's name? A William Dunn.
Q Is he a white man? A No sir, he is a Choctaw.
Q A Choctaw Indian? A Yes sir.
Q When did you marry him? A In '90.
Q 1890? A 1890.
Q Have you any children? A I have four; yes sir.
Q What are their names? A Lillian.
Q Lillian G. isn't it? A Yes sir. Zelia; it is down Zelia isn't it? Her name is Emma Zelia, but I don't remember how my husband put it down; he told me. She has a double name but I don't know how he put it down.
Q Is her name Zelia or Brazelia? A Brazelia.
Q How do you spell it? A B-r-a-z-e-l-i-a.
Q Have you any other children? A Yes sir.
Q What are their names? A Alfred W.
Q Is his name Alfred W. or William Alfred? A William Alfred.
Q What is your other child's name? A Ward.
Q Arthur Ward? A Yes sir.

The names of Annie Dunn and her four minor children, Lillian G., Emma B., William A. and Arthur W. appear upon the records of the Commission on Choctaw roll card, field number D 399. Mrs. Dunn and her first three children having been identified by the Commission from the 1896 census roll of the Choctaw Nation as residents of Atoka County.

- Q I understand, Mrs. Dunn, that you have always lived in the Choctaw Nation, born here? A Yes sir.
- Q You never have lived in the Cherokee Nation? A I have never lived there only for a few months; three or four months.
- Q Did you ever make a residence there? A No sir.
- Q These children were all born in the Choctaw Nation? A All born in the Choctaw Nation; yes sir.
- Q Ever since you were married to Mr. Dunn, you have maintained your residence in the Choctaw Nation? A Yes sir.
- Q Did you ever derive any benefits in the Cherokee Nation?
- A I drew my strip money.
- Q In 1894? A Yes sir.
- Q How much did you draw? A I believe--- I really don't remember just the amount, but it was five hundred something.
- Q Who did you draw for? A Myself and one child.
- Q What is the child's name? A Lillian G.
- Q How did you happen to draw this Cherokee money in 1894? A Well, I went up there to register for that purpose and stayed there until it was paid.
- Q Didn't you claim to be a Choctaw citizen at that time? A Yes sir, I was Choctaw and Cherokee, I was living here at the time, although I went up there.
- Q Do you know whether your name is on the 1880 authenticated roll of the Cherokee Nation? A No sir, it is not on.
- Q Was your name placed on the 1896 census roll of the Cherokee Nation? A I could not say. My name was not on the Cherokee rolls only the roll that -- for the strip pay roll.
- Q The strip payment roll? A Yes sir.

From the records of the Commission and the rolls of the Cherokee Nation now in its possession, it does not appear that the name of Annie Dunn is on the 1880 authenticated roll of the citizens of the Cherokee Nation under her maiden name, nor does her name, nor the names of any children appear on the 1896 census roll of the Cherokee Nation. The name of Annie Dunn and Lillian Dunn, do however, appear on the 1894 Cherokee Strip Payment roll, on page 1046, numbers 766 and 767.

- Q Mrs. Dunn, the twenty first section of the act of Congress of June 28, 1898, provides that:
- "The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."
- Q Is it your purpose now, to select under the provisions of this act of Congress granting this right to election, to be enrolled on the final rolls that are being prepared by this Commission, as a citizen of the Choctaw Nation? A Yes sir.

Dunn-3

Q And in the event that the Commission enrolls you and your children as citizens of the Choctaw Nation, do you relinquish all your right title and interest in and to the lands and moneys of the Cherokee tribe of Indians? A Yes sir.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause at Atoka on January 23, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell

Subscribed and sworn to before me this 23 day of January, 1901.

Charles H. Sawyer

Notary public.

CHOCTAW.

20

IN RE

Application for Enrollment of

INFANT CHILD

Allen Yates Dunn

as a citizen of the

Choctaw

Nation.

Approved:

9 1902

190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

APR 9 1902

[Signature]
ACTING CHAIRMAN.

CH. 411.

B 399

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Allen Yates Dunn, born on the 21 day of February, 1902
(Here insert name of child.)
Name of Father: William M. Dunn, a citizen of the Choctaw Nation.
Name of Mother: Annie Dunn, a citizen of the Choctaw Nation.
Post-office, Atoka, Ok.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY. }
Central District. }

I, Annie Dunn, on oath state that I am 30
years of age and a citizen, by Blood, of the Choctaw Nation;
that I am the lawful wife of William M. Dunn, who is a citizen, by
Blood, of the Choctaw Nation; that a male child was
(male or female)
born to me on the 21 day of February, 1902; that said child has been
named Allen Yates Dunn, and is now living.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 7th day of April, 1902.

R. H. Hensbaugh
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY. }
Central District. }

I, J. S. Fulton, a Physician, on oath state that I
attended on Mrs. Annie Dunn, wife of Wm M. Dunn,
on the 21 day of February, 1902; that there was born to her on
male child; that said child is now living and is said to have been
(male or female)
named Allen Yates Dunn.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this

7th day of April, 1902.
R. H. Hensbaugh
NOTARY PUBLIC.

D-399

20

IN RE

Application for Enrollment of
INFANT CHILD.

Arthur W. Dunn

As a citizen of the

Poland

Nation.

Approved 1

Commissioner.

In # 5668

4350

Department of the Interior,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Arthur W. Dunn, born on the 10 day of June, 1899.
Name of father: Wm M. Dunn, a citizen of the Choctaw Nation.
Name of mother: Annie Dunn, a citizen of the Choctaw Nation.
Post Office: Atoka and Ler

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Atoka District.

I, Annie Dunn, on oath, state that I am 27 years of age and a
citizen, by blood, of the Choctaw Nation; that I am the
lawful wife of Wm M. Dunn who is a citizen, by blood, of the
Choctaw Nation; that a boy child was born to me on the 10 day
of June, 1899; that said child has been named Arthur W. Dunn
and is now living.

Subscribed and sworn to before me this 18th day of September, 1899.

Annie Dunn
J. H. Chambers
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
District.

I, J. S. Fulton, a physician, on oath, state that I
attended on Mrs. Annie Dunn, wife of Wm M. Dunn
on the 10 day of June, 1899; that there was born to her on said date a boy child;
that said child is now living and is said to have been named Arthur W. Dunn.

Subscribed and sworn to before me this 18th day of Sept, 1899.

J. S. Fulton
J. H. Chambers
Notary Public.

COMMISSIONERS
HENRY L. DAWES,
TAMM SIXBY,
THOMAS B. NEEDLES,
C. R. BRICKINRIDGE.

ALLISON L. AVLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

Choctaw D-399.

COPY.

Muskogee, Indian Territory. March 1, 1902.

Annie Dunn,

Atoka, Indian Territory

You are hereby notified that the application of yourself and
your four minor children, Lillian G., Emma B., William A. and

Arthur W. Dunn
for enrollment as citizens of the Choctaw Nation will be taken
up for final consideration by the Commission to the Five Civil-
ized Tribes, at its office in Muskogee, Indian Territory, on
the 10th day of April, 1902.

On said date you may, if you desire, appear before the Commis-
sion in person or by attorney when an opportunity will be given
you to introduce any additional testimony affecting said appli-
cation which you may think proper or necessary.

You are further notified that the representatives of the
Choctaw Nation will also, at the same time, be afforded an op-
portunity to introduce testimony affecting your right to en-
rollment, but said representatives will be required to notify
you of their intention to introduce such testimony before they
will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Register.

T. B. Needles.

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 10, 1902.

.....
In the matter of the application of
Annie Dunn for the enrollment of herself
and her four minor children, Lillian G.
Dunn B., William A. and Arthur W. Dunn,
as citizens of the Choctaw Nation.
..... D-399.

On the 1st day of March, 1902, the applicant was notified by registered mail and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Annie Dunn for the enrollment of herself and her children as citizens of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 10th day of April, 1902, for final consideration.

Now on this 10th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear and the applicants appear by attorney and submit their cause upon the record and evidence as now on file.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 10, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 10 day of April, 1902.

James Mitchell Wood
Notary Public.

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7-D-399

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Annie Dunn, Lillian G. Dunn, Emma Brazelia Dunn, William Alfred Dunn, Arthur Ward Dunn and Allen Yates Dunn as citizens by blood of the Choctaw Nation.

- D E C I S I O N -

It appears from the census card and other records in this case that William M. Dunn appeared before the Commission at Atoka, Indian Territory, September 1, 1899, and made personal application for the enrollment of his wife, Annie Dunn, and his four minor children, Lillian G., Emma Brazelia, William Alfred and Arthur Ward Dunn, as citizens by blood of the Choctaw Nation. Further proceedings were had in the matter of this application at Atoka, Indian Territory, January 23, 1901. On April 9, 1902, written application was made for the enrollment, as a citizen by blood of the Choctaw Nation, of Allen Yates Dunn, infant child of William M. Dunn and Annie Dunn, proper proof of the birth of said child, on February 21, 1902, being filed with the Commission on the date of said application.

It further appears from the evidence in this case that Annie Dunn, the principal applicant herein, is the daughter of William G. Ward, a recognized and enrolled citizen by blood of the Choctaw Nation, and Eliza Ward, a citizen by blood of the Cherokee Nation; that she is married to William M. Dunn, a recognized and enrolled citizen by blood of the Choctaw Nation, and that the minor applicants herein are the offspring of said union.

On an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission the names of Annie Dunn and Lillian G. Dunn (as Lileon Dunn) are identified on the 1893 Choctaw leased district pay roll, Atoka County, page 21, Nos. 219 and 220, respectively, enrolled as citizens by blood of said nation. The names of Annie Dunn, Lillian G. Dunn, Emma Brazelia Dunn (as Emma B. Dunn) and William Alfred Dunn (as Alfred W. Dunn) are identified on the 1896 Choctaw census roll, Nos. 3572, 3573, 3574 and 3575, respectively, enrolled as citizens by blood of said nation. Applicants Arthur Ward Dunn and Allen Yates Dunn, having been born subsequent to the preparation of the last tribal roll of the Choctaw Nation, are identified by proper affidavits of birth filed with the Commission and made a part of the record in this case.

The evidence in this case further shows that all of the applicants who were living on June 28, 1898, had lived in Indian Territory all their lives prior thereto; that applicant Allen Yates Dunn was born in Indian Territory on February 23, 1902 and is still a resident of said Territory.


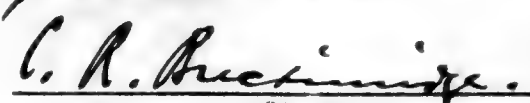
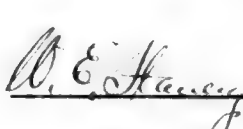
It further appears from the record herein that Annie Dunn appeared before the Commission at Atoka, Indian Territory, January 23, 1901, and under the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), elected for herself and her minor children to be finally enrolled as citizens by blood of the Choctaw Nation and to take allotment of lands and distribution of moneys in said nation.

It is, therefore the opinion of this Commission that Annie Dunn, Lillian G. Dunn, Emma Brazelia Dunn, William Alfred Dunn,

Annie Dunn, et al.-2

Arthur Ward Dunn and Allen Yates Dunn should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Chairman.

COMMISSIONER.

COMMISSIONER.

Muskogee, Indian Territory,

MAR 21 1903

COPY,

Chester D 200

Washago, Indian Territory, March 21, 1903.

Annie Dunn,

Atoka, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission rendered March 21, 1903, granting the application made for the enrollment of yourself and your five minor children, Lillian G. Dunn, Emma Bracelia Dunn, William Alfred Dunn, Arthur Ward Dunn and Allen Yates Dunn, as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been allowed fifteen days from this date within which to file protest against the action of the commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time, no protest has been filed, the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tamé Dixey.

Chairman.

Registered.

Enc. NOV 22

COPY.

Choctaw B 389

Madagascar, Indian Territory, March 13, 1903.

Mansfield, Murray & Gernish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission rendered March 21, 1903, granting the application made for the enrollment of Annie Dunn and her five minor children, Lillian G. Dunn, Emma Bravelia Dunn, William Alfred Dunn, Arthur Ward Dunn and Allen Yates Dunn, as citizens by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time, no protest has been filed, the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the secretary of the Interior for his approval.

Respectfully,

(SIGNED)

James G. Gandy,

Chairman.

Registered.

Dec. 1907 26

Washington, Indian Territory, January 5, 1900.

W. H. Hall,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of December 14th, 1899 and the 3rd instant, in which you desire to be heard if Mrs. Annie Dunn can make any selection for the enrollment of herself and family as citizens of the Cherokee Nation before a Sawyer in charge of the Commission's office at Atoka, Indian Territory.

The Commission has not yet been fully determined as to the hearing of any other business before applicants for identification at Muskogee, Cheateau at the Muskogee office.

Mr. [Name] the Acting Chairman of the Senate is at present in Washington and [Name] upon his return this matter will be brought to his attention.

Mrs. Dunn can, however, come before the Commission at its office in Muskogee and make the selection for herself and children to be enrolled as citizens of the Cherokee Nation at any time prior to the closing of the final rolls of citizens of the Cherokee Nation.

Yours truly,

T-D-377

Acting Chairman.

Muskogee, Indian Territory, July 11, 1900.

Mr. J. R. Balla,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

The Commission has had before it for some time your letter of June 30th, in which you request that the Commission examine the Cherokee roll of 1880 for the purpose of ascertaining if the names of Mrs. Annie Dunn and family are thereon.

In the first paragraph of your letter you state that you were at the office of the Commission on the 29th of June, and that the roll of 1880 of the Cherokee Nation was examined by one of the employees of this office for the name of Annie Dunn and family, and that you then obtained what information you desired in regard to their Cherokee enrollment. You now ask that the Commission enroll Mrs. Dunn and family as citizens of the Choctaw Nation, and also state that what you desire in regard to Annie Dunn applies to Mrs. Eliza Ward and her children.

You are informed that the records of this Commission show that Mrs. Dunn and her five children appear as doubtful claimants to citizenship in the Choctaw Nation, and have been duly listed as such, and also that of Mrs. Eliza Ward and her five children are in the same condition. This Commission cannot at this time undertake to

J.G.R. B.

pass upon the rights of doubtful claimants to citizenship in the
Choctaw Nation, but anticipates doing so sometime in the near future,
but until that is done, there can be no decision rendered in the
cases of Mrs. Dunn and Mrs. Ward and their children.

Yours truly,

In reply to this letter,
please refer to 7-9 539

Acting Chairman.

Muskogee, Indian Territory, August 6, 1900.

Mr. William M. Dunn,

Atoka, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of August 4th, in which you ask when decision will be rendered in regard to the enrollment of your wife, Annie Dunn, and your children.

In reply to your letter, you are advised that the records of the Commission show that Annie Dunn, and four children, have been listed among the doubtful claimants to enrollment in the Choctaw Nation. The Commission has not yet passed upon the rights of doubtful claimants to enrollment in the Choctaw Nation, and until this is done no decision can be rendered in regard to this case. You are advised that at this time no date can be fixed for the hearing of this case.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, August, 18, 1900.

William M. Dunn, Esq.

Atoka, Ind. Ter.

Dear sir;

Referring to your letter of August 4th with reference to the enrollment of your wife and minor children, you are advised that an investigation discloses the name of your wife, Annie Dunn, and that of your daughter Lillian Dunn, upon the Cherokee Tribal Roll of 1894, Tahlequah District. The Commission after having given this matter due consideration, has determined that, inasmuch as the names of your wife and children appear regularly upon the Choctaw tribal rolls and they have always been recognized as citizens of the Choctaw Nation, although your wife and children are possessed of Cherokee blood, she shall be given the privilege of electing in which nation she desires to have herself and children enrolled. For the purpose of so doing she may appear before the Commission at its office in Muskogee, Indian Territory, at any time prior to October first next, which may suit her convenience. The Commission will then take any testimony on the question which she may desire to present.

Yours truly,

Acting Chairman.

7-D-399.

Mascegee, Indian Territory,

August 18th, 1900.

Annie Dunn,

Atoka, Indian Territory,

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment and the enrollment of Lillian G., Emma B., William A., Arthur W. Dunn as citizens of the Choctaw Nation.

The Commission commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman

7-2-

Muskogee, Indian Territory, August 31, 1900

Mr. F. G. Ralls,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 29th instant in which you state that as attorney for Mrs. Annie Dunn and her children, you request that a copy of the notice of the protest filed in this case by the attorneys for the Choctaw Nation, be forwarded to you.

You are informed that the Commission at this time has only a general notice filed by the attorneys of the Choctaw and Chickasaw Nation against numerous applicants who have been listed as doubtful claimants to enrollment in these two Nations. In justice to the applicants, the Commission has thought best to notify them that such protest has been filed and has also required of the attorneys for the Choctaw Nation that prior to October 31st, 1900, they serve on such protested applicants a notice stating their reasons for contesting their rights to enrollment.

As to the matter of Mrs. Dunn appearing before the Commission to make election in formal manner as required in our letter of the 18th instant, it would seem that such would be properly dealt with in the business of the Commission to be transacted at Atoka next December and upon her appearance at that time the Commission will hear her statement as to her election.

Yours truly,

Acting Chairman.

7-D-399

Mustoge, Indian Territory, September 18, 1900.

Amie Dunn,

Atoka, Indian Territory.

Dear Madam:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The question raised, is as to your Cherokee blood.

The Commission is in possession of a pertinent statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

Winstona, Wm.

Attorney at Law,

Atoles, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 7th instant concerning the application for enrollment as a citizen of the Choctaw Nation of Allen Yates Dunn, Indian son of William H. and Annie Dunn, born February 21, 1901, and the same being in proper form has been duly filed with the records of the Commission and the child listed for enrollment as a citizen of the Choctaw Nation.

Yours truly,

Commissioner in Charge.

Choctaw D 399

Muskogee, Indian Territory, July 19, 1902.

William W. Dunn,
Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th instant, in which you desire to be informed as to the status of the Choctaw citizenship case of Mrs. Annie Dunn, et al.

Replying to your communication you are advised that it appears from the records of this office that on September 1, 1899 Annie Dunn, 26 years of age, of Doakville, Indian Territory, personally applied to this Commission for the enrollment of herself and her four minor children, Lillian G., Emma B., William A. and Arthur W. Dunn as citizens by blood of the Choctaw Nation and that subsequently on April 9, 1902, there was filed with this Commission proof of the birth of Allan Yates Dunn.

An objection is being urged to the final enrollment of these persons as citizens of the Choctaw Nation by the legal representatives of the Choctaw Nation on the ground that these persons are Cherokees and not entitled to be enrolled as citizens by blood of the Choctaw Nation and it further appears from an examination of the Cherokee records in our possession that Mrs. Dunn in 1894 drew for herself and her first child, Lillian G. Dunn, their prorata share of the Cherokee Strip Payment made to the

W M D 3

citizens of that Nation.

The Commission has not up to this time rendered any decision relative to the rights of these persons to be finally enrolled as citizens of the Choctaw Nation, but on January 23, 1901, at Atoka, Indian Territory, Mrs. Dunn elected for herself and her minor children to be finally enrolled as citizens of the Choctaw Nation under the provision of the act of Congress of June 23, 1898.

When a decision is rendered in this case, Mrs. Dunn will be duly advised thereof and in the event that such decision is unfavorable to the interests of herself and her children, she will be notified of the decision of the Commission and of the forwarding of the record in the case to the Secretary of the Interior for review.

Yours truly,

Commissioner in Charge.

COPY.

Choctaw B-590

Muskogee, Indian Territory, March 21, 1903.

Cherokee Enrollment Division,

Commission to the Five Civilized Tribes.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 21, 1903, granting the application of Annie Dunn and her minor children, Lillian G. Dunn, Emma Bessie Dunn, William Alfred Dunn, Arthur Ward Dunn and Allen Yates Dunn for enrollment as citizens by blood of the Choctaw Nation.

It appears from the records of the Commission that two of these applicants were enrolled upon the Cherokee Strip payment roll, page 1046, numbers 766 and 767 as Annie and Lillian Dunn.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

Enc.

Enc. 1.

7-8688

Muskogee, Indian Territory, July 17, 1908.

William M. Dunn,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 15, relative to the enrollment of your wife and children.

In reply to your letter you are informed that it appears from our records that your wife, Annie Dunn, and her children, Lillian G., Emma Braselia, William Alfred, Arthur Ward and Allen Yates, have been enrolled by this Commission as citizens by blood of the Choctaw Nation, but their names have not yet been placed upon the schedules as citizens by blood of the Choctaw Nation, prepared for forwarding to the Secretary of the Interior. Their names will, however, be placed upon the next schedule of citizens by blood of said nation, prepared and forwarded to the Secretary of the Interior for approval.

Respectfully,

Commissioner in Charge.

MEMORANDA

Name _____

(Date

189

Choctaw?	County	Year	No.
-----------------	---------------	-------------	------------

Chickasaw? **County** **Year** **Page**

Citizen by blood? **Mother's citizenship**

Intermarried citizen? _____

Married under what law?

License filed this day, _____

Wife's name,

Choctaw? _____ County _____ Year _____ No. _____

Chickasaw? County Year Page

Citizen by blood?..... **Mother's citizenship.....**

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County _____ Year _____ Page _____ No. _____

County Year Page No.

County Year Page No.

County _____ Year _____ Page _____ No. _____

County _____ Year _____ Page _____ No. _____

Choc. 5057

Nanette 2044

Trans. from Choc. 5057

11

Commission to the Five Civilized Tribes,
Atoka, Indian Territory.

In the enrollment of Lysurgus C. Beck as an intermarried
Choctaw; being sworn and examined by Com'r McKennon he states:

Q What is your name? A Lysurgus C. Beck.

Q How old are you? A Fifty-two.

Q You present here a license dated September 6th 1897, issued
by the county Clerk of Jack's Fork County, to marry Miss Nannie
Beck, was this your first marriage to her? A No sir, second.

Q Where did you marry her first? A In the Creek Nation in
1893.

Q Who married you? A A man by the name of Coswell or some-
thing

Q Was he a preacher? A They said he was a preacher.

Q This is your second marriage? A Yes sir.

Q You say you can supply the original certificate of your mar-
riage? A Yes sir.

Q Your wife was born and raised in the Cherokee Nation?

A She wasn't raised there, she was raised partly here .

Q They are on the rolls there? A They are on the rolls
there and here also I think.

Q Her mother was a Cherokee? A Her mother was a Choctaw.

Q When did she come to the Choctaw Nation to live? A About
eight or ten years ago I suppose.

Q By Choe. Com'r Lewis: She was grown when she came here?

A Yes sir, just about.

Q Com'r McKennon: Was she married to you before she came here?

A No sir, we married directly after she came here.

Q Why did you marry in the Creek Nation? A It was just a-
cross the river from the line.

Q Her father was a Choctaw? A Her father was a Cherokee.

Q And her mother was a Cherokee also? A Her mother was a

Lyeurgus C. Beck #2)

Choctaw.

Q Her mother married a Cherokee and went there and has been living there ever since and has raised a family there, didn't you understand that to be so? A I understand they lived together there.

Q By Choctaw com'r Lewis: He died there didn't he?

A Yes sir, I think so.

Department of the Interior

Commission to the Five Civilized Tribes.

I hereby certify upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. Green

1897
I do solemnly swear
that I will honor, de-
fend, and submit to
the constitution and
laws of the Choctaw
Nation and will
not claim nor
seek from the U.S.
government or from
judicial tribunals
thereof any protection
privilege, or redress
incompatible with
the same as guaranteed
to the ~~Indian~~ Nations
by the treaty stipulations
entered into between
them. So help me God.

L. Y. Gwyned Bear
sworn to and
subscribed to
Before this day
of Sept 1897

(C) D. M. Morris
Co. Clus

Office of County Clerk.

Choctaw Nation. I a minister of the Gospel
Jacksonville. For any person authorized to
Solemnize the rite of matrimony & greeting
you are hereby Commanded to Solemnize
the rite and publish the Banns of
matrimony between M. H. Q. Beck aged
41 years and Miss Nannie Beck aged
21 years residents of Jacksonville Fla

They having Complied with
the laws of the Choctaw Nation regarding
Marriage Licence and you are hereby
Commanded as aforesaid to Solemnize
the rite and publish the Banns of
matrimony between the parties therein
named according to the laws of the
Choctaw Nation and attach your Certificate
to the back of their licence and return
them to the parties therein named

Given under my hand and seal
of the County this 6 day of Sept 1897

O. D. Morris Co. Clerk
J. F. Co. Co.

hereby certify that I have received
this certificate of the marriage of
L. O. Beck and Miss Nannie Beck
in Book 1 Page 302.

Witness my hand and seal this
4th day of September 1899.

H. A. Johns
Co. Clerk of
J. C. O.

is to certify that A. B. Garrison
a Minister of the Gospel, did solemnize
the rite of Matrimony between
Mr. F. G. Beck and Miss Harriet Beck,
according to the law as authorized by
the accompanying License.

This the 8 day of October 1838.
A. B. Garrison.

Then I certify that I A.B. Johnson
son did on the 7 day of October
1897 solemnize the rite and
publish the bands of matrimo-
ny between ^{Mr} L. E. Beck and Miss Nannie
Beck, both of Jackson Park County
Behotaw Nations

Done Aug. 12, 1898.

A.B. Johnson, Minister
of the Gospel.

Witnesses
D. A. Denton
E. T. Denton
D. F. Rogers

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRIDGEMAN.
ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
COPY.

REFER IN REPLY TO THE FOLLOWING

Choctaw D-403.

Muskogee, Indian Territory. March 1, 1902.

Lyeurgus C. Beck,

Stringtown, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 10th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

Register.

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, Indian Territory, April 10, 1902.

.....
: In the matter of the application of :
: Lycurgus C. Beck for the enrollment of :
: himself and his three minor children, :
: Gatti Beck, Benjamin Beck and Barton :
: Beck as citizens by blood, and for :
: the enrollment of his wife, Nannie :
: Beck as a citizen by intermarriage :
: of the Choctaw Nation. :
:.....

D-403.

On the 1st day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail that the application of Lycurgus C. Beck for the enrollment of himself, his wife and children would be taken up by the Commission to the Five Civilized Tribes at its office in Muskegee, Indian Territory, on the 10th day of April, 1902, for final consideration.

Now on this 10th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the Choctaw Nation failed to appear, and the applicant being called, failed to appear either in person or by attorney.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 10, 1902, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 11th day of April, 1902.

Clarence Mitchell Wood
Notary Public.

D-400 En. #5659

IN RE

Application for Enrollment of
INFANT CHILD.

Ben Beck

As a citizen of the

Whelan

Nation.

Approved 1

Commissioner.

78403

Department of the Interior,

COMMISSION TO THE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Ben Beck, born on the 19th day of April, 1897.
Name of father: L. B. Beck, a citizen of the Choctaw Nation.
Name of mother: Nannie Beck, a citizen of the Choctaw Nation.
Post Office: Strungtown, Ia.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }

Central Judicial District. }

I, Nannie Beck, on oath, state that I am 26 years of age and a
citizen, by blood, of the Choctaw Nation; that I am the
lawful wife of L. B. Beck who is a citizen, by marriage, of the
Choctaw Nation; that a male child was born to me on the 19th day
of April, 1897; that said child has been named Ben Beck
and is now living.

Subscribed and sworn to before me this 9th day of September, 1897.

S. S. Kennedy
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }

Central Judicial District. }

I, D. A. Denton, a midwife, on oath, state that I
attended on Mrs. Nannie Beck, wife of L. B. Beck
on the 19th day of April, 1897; that there was born to her on said date a male child;
that said child is now living and is said to have been named Ben Beck.

Subscribed and sworn to before me this 1st day of Sept., 1897.

S. S. Kennedy
Notary Public.

D-403

IN RE

Application for Enrollment of
INFANT CHILD.

Barton Beebe

As a citizen of the

Whitman

Nation.

Approved..... 1

Commissioner.

7-2403

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Barton Beck, born on the 27th day of Aug., 1899.
Name of father: L. C. Beck, a citizen of the Choctaw Nation.
Name of mother: Nannie Beck, a citizen of the Choctaw Nation.
Post Office: Stringtown, Ar.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY }
Central Judicial District.

I, Nannie Beck, on oath, state that I am 26 years of age and a
citizen, by blood, of the Choctaw Nation; that I am the
lawful wife of L. C. Beck who is a citizen, by Marriage, of the
Choctaw Nation; that a Male child was born to me on the 27th day
of Aug., 1899; that said child has been named Barton Beck
and is now living.

Subscribed and sworn to before me this 9 day of September, 1899.

N. S. Kennedy
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY }
Central Judicial District.

I, Betty Lewis, a midwife, on oath, state that I
attended on Mrs. Nannie Beck, wife of L. C. Beck
on the 27th day of Aug., 1899; that there was born to her on said date a Male child;
that said child is now living and is said to have been named Barton Beck.

Thos J. Gregg

Subscribed and sworn to before me this 9th day of September, 1899.

N. S. Kennedy
Notary Public.

CHOCTAW.

IN RE

Application for Enrollment of

INFANT CHILD

Pheeba A. Beck

as citizen of

Choctaw

Nation.

Approved,

APR 11 1902

[Signature]
Commissioner

DEPARTMENT OF THE INTERIOR,
COMMISSIONER OF THE FIVE CIVILIZED TRIBES.

FILED

APR 11 1902

[Signature]
ACTING COMMISSIONER

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Chactaw Nation
of Pheeba A. Beck, born on the 20th day of December, 1901
(Here insert name of child.)
Name of Father: L. B. Beck, a citizen of the Chactaw Nation
Name of Mother: Kammie Beck, a citizen of the Chactaw Nation
Post-office, Stringtown

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, Kammie Beck, on oath state that I am 29
years of age and a citizen, by blood, of the Chactaw Nation;
that I am the lawful wife of L. B. Beck, who is a citizen, by
marriage, of the Chactaw Nation, that a female child was
(male or female)
born to me on the 20th day of December, 1901; that said child has been
named Pheeba A. Beck, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

Kammie BeckSubscribed and sworn to before me this 9th day of April, 1902.W. S. GannerCentral Dist Ind. Terr. NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, Mollie Warren, a midwife, on oath state that I
attended on Mrs. Kammie Beck, wife of L. B. Beck,
on the 20th day of December, 1901; that there was born to her on
said date a female child; that said child is now living and is said to have been
(male or female)
named Pheeba A. Beck.

WITNESSES TO MARK:

(Must be Two Witnesses)

Mollie Warren
markSubscribed and sworn to before me this 9th day of April, 1902.W. S. GannerCentral Dist Ind. Terr. NOTARY PUBLIC.

CHOCTAW.

INDEXED

IN RE
THE DEATH OF

Lycurgus C. Bick
a citizen of the
Choctaw Nation.

Approved

APR 22 1902

[Signature]
Com.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

APR 22 1902

[Signature]

ACTING CHAIRMAN.

AW.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of *Lycurgus C. Beed*
(Here insert name of deceased.)
 a citizen of the *Choctaw* Nation, who formerly resided at or near
Stringtown, Ind. Ter., and died on the *28th* day of *March* 1902
(Here insert name of post office.)

1

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
Central Judicial District.

I, *D. A. Denton*on oath state that I am *71*years of age and a citizen, by *Stringtown*, of the *United States* Nation;that my post office address is *Stringtown*, Ind. Ter.; that I amthe mother of *Lycurgus C. Beed*
(State relationship, as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)who was a citizen by *Marriage*, of the *Choctaw* Nation;and that said *Lycurgus C. Beed* died on the *28th* day of*March* 1902 *Dat Ahula A. Denton*

WITNESSES TO MARK:

(Must be Two)
(Witnesses.)

Subscribed and sworn to before me this *19th* day of *April* 1902
D. J. Kennedy
 Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
Central Judicial District.

I, *Shell Colbert*on oath state that I am *39*years of age, and a citizen, by *Adoption*, of the *Choctaw* Nation;that my post office address is *Stringtown*, Ind. Ter.;that I was personally acquainted with *Lycurgus C. Beed*
(Here insert name of deceased.)who was a citizen by *Marriage* of the *Choctaw* Nation;and that said *Lycurgus C. Beed* died on the *28th* day of*March* 1902 *Shell + Colbert*

WITNESSES TO MARK:

(Must be Two)
(Witnesses.)

Subscribed and sworn to before me this *19th* day of *April* 1902
D. J. Kennedy
 Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I. T., November 19th, 1902.

Choctaw D-403

-----400-----

In the matter of the application of Hannie Beck for enroll-
of herself and four children as citizens of the Choctaw Nation.

Hannie Beck being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Hannie Beck.
Q How old are you? A Thirty.
Q What is your post office address? A Stringtown.
Q How long have you been a resident of the Choctaw Nation?
A Ever since '91.
Q Have you lived here continuously since that time?
A Yes sir.
Q Are you a recognized and enrolled citizen of the Choctaw Nation?
A Yes sir.
Q Have your rights ever been disputed? A Mine? No sir; I have
drawn money.
Q What is the name of your father? A Jim Lee.
Q He was a Cherokee, was he not? A Yes sir.
Q What is the name of your mother? A Lizzie Gore before she
was married.
Q What Indian tribe did she belong to? A Choctaws.
Q Were you ever enrolled with the Cherokee tribe of Indians?
A Yes sir, been enrolled with the Cherokees and Choctaws both.
Q How many children have you got? A Four.
Q What are their names? A Butt and Benjamin and Barton and
Phoebe A.

The act of Congress of June 23, 1898, in a portion of
section 21, provides as follows:

"The several tribes may, by agreement, determine the
right of persons who for any reason may claim citizenship in
two or more tribes, and to allotment of lands and distribution
of moneys belonging to each tribe; but if no such agreement
be made, then such claimant shall be entitled to such rights
in one tribe only, and may elect in which tribe he will take
such right; but if he fail or refuse to make such selection
in due time, he shall be enrolled in the tribe with whom he
has resided, and there be given such allotment and distribu-
tion, and act elsewhere."

Q Do you understand that, do you? A Yes sir.

Fannie Deck--2

Q Do you and for yourself and your minor children make election to take your allotment of land and distribution of money with the Choctaw tribe of Indians? A Yes sir.

Q Provided you are given the rights in the Choctaw Nation, do you relinquish all rights you may have in the Cherokee Nation?

A Yes sir.

Q For yourself and your children? A Yes sir.

Albert G. McMillan being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 19th day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 13th day of December, 1902.

H. C. Austin

Notary Public.

800A
LGD.

7-D-403

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Lycurgus C. Beck, as a citizen by intermarriage, and of Nannie Beck,
Sutt Beck, Benjamin Beck, Barton Beck and Pheoba A. Beck, as citizens
by blood, of the Choctaw Nation.

- D E C I S I O N -

It appears from the census card and other records in this case that Lycurgus C. Beck appeared before the Commission at Atoka, Indian Territory, September 1, 1899, and made personal application for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Nannie Beck, and his three minor children, Sutt, Benjamin and Barton Beck, as citizens by blood of the Choctaw Nation; that thereafter, on April 11, 1902, written application was made to the Commission for the enrollment, as a citizen by blood of the Choctaw Nation, of Pheoba A. Beck, infant child of Lycurgus C. Beck and Nannie Beck, proper proof of the birth of said child on December 20, 1901, being filed with the Commission on the date of said application. On April 22, 1902, proof of the death of Lycurgus C. Beck on March 28, 1902, was filed with the Commission and the same has been made a part of the record in this case. Further proceedings in the matter of the application for the enrollment of Nannie Beck and her children, were had at Atoka, Indian Territory, November 19, 1902.

It further appears from the evidence in this case that applicant Nannie Beck is the daughter of James Lee (deceased), a citizen by blood of the Cherokee Nation, and Elizabeth Lee (deceased), a citizen by blood of the Choctaw Nation; that the minor applicants herein are the offspring of the said Nannie Beck and Lycurgus C. Beck (deceased).

On an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, the name of Nannie Beck (as Nana Beck) is identified on the 1893 Choctaw leased district pay roll, Jacks Fork County, page 16, No. 170, enrolled as a citizen by blood of the Choctaw Nation. The names of Nannie Beck and Sutt Beck (as Sudd Beck) are identified on the 1896 Choctaw census roll, Jacks Fork County, Nos. 1986 and 1988, respectively, enrolled as citizens by blood of said nation. Applicants Benjamin Beck, Barton Beck and Pheoba A. Beck, having been born subsequent to the preparation of the last tribal roll of the Choctaw Nation, are identified by affidavits of birth filed with the Commission and made a part of the record in this case.

The evidence in this case further shows that all of the applicants herein who were living on June 28, 1898, were residents in good faith of Indian Territory and had been all their lives prior thereto; that applicants Barton Beck and Pheoba A. Beck were born subsequent to said date and have always lived in said Territory.

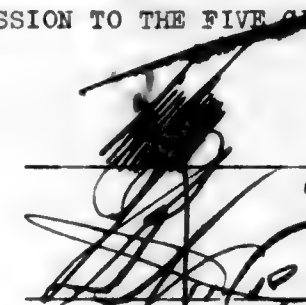
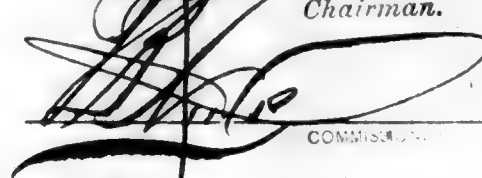

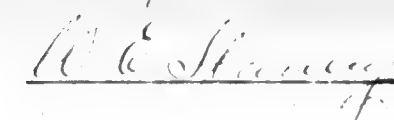
Lycurgus C. Beck, et al.-2

It further appears from the record herein that Nannie Beck appeared before the Commission at Atoka, Indian Territory, November 19, 1902, and under the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), elected for herself and her minor children to be finally enrolled as citizens by blood of the Choctaw Nation and take allotment of lands and distribution of moneys in said nation.

It is, therefore, the opinion of this Commission that Nannie Beck, Sutt Beck, Benjamin Beck, Barton Beck and Pheoba A. Beck should be enrolled as citizens by blood of the Choctaw Nation under the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

It is further the opinion of this Commission that the application for the enrollment as a citizen by intermarriage of the Choctaw Nation of Lycurgus C. Beck, who died prior to September 25, 1902, should be dismissed, under the provisions of Section 28 of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Chairman.

COMMISSIONER.

C. R. Bucknidge.
C. R. Bucknidge.

W. E. Starnes.

Muskogee, Indian Territory,

MAR 21 1903

COPY.

Chectaw B 403

Muskagee, Indian Territory, March 21, 1903.

Fannie Beck,

Stringtown, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission rendered March 21, 1903, granting the application made for the enrollment of yourself and your minor children, Sutt Beck, Benjamin Beck, Barton Beck and Phoebe A. Beck, as citizens by blood of the Chectaw Nation.

The attorneys for the Chectaw and Chickasaw Nations have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Chectaw Nation. If at the expiration of that time, no protest has been filed, the names of the applicants will be placed upon the final rolls of the citizens of the Chectaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

Registered.

Enc. BWF 29

COPY.

Choctaw B 403

Muskogee, Indian Territory, March 21, 1903.

Mansfield, McMurray & Gornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission rendered March 21, 1903, granting the application made for the enrollment of Fannie Beck and her minor children, Gatt Beck, Benjamin Beck, Barton Beck and Phoebe A. Beck, as citizens by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time, no protest has been filed, the name of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

James L. Taylor

Chairman.

Registered.

Enc. REV 80

Muskogee, Indian Territory, July 31, 1901.

Mr. W. F. Rogers,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 27th instant, requesting to be advised whether or not L. G. Beck, of Stringtown, Indian Territory, is a citizen of the Choctaw Nation.

You are informed that the records of the Commission show that Lyeurgus G. Beck, forty-two years of age, was on September 1, 1901, listed for enrollment as an intermarried citizen of the Choctaw Nation, and his name appears upon Choctaw Roll Book, Field No. 2 400.

Yours truly,

Acting Chairman.

W. F. Rogers

7
T. B. 405

Muskogee, Indian Territory, April 11, 1902.

Nannie Beck,

Care of Riddleston & Barnides,

Stringtown, Indian Territory.

Dear Madam:

Information has been received by the Commission that your husband Lycurgas C. Beck has died since the time application was made for his enrollment as an intermarried citizen of the Choctaw Nation.

For the purpose of making his death a matter of record there is enclosed you herewith a blank for proof of death which you are kindly requested to have properly executed and return at your earliest convenience in the enclosed envelope which requires no postage.

You will notice that there is an affidavit for a relative and an acquaintance; in having the same executed be careful to see that all blanks are properly filled, all names written in full, and in event either of the persons whose names are to be affixed to the affidavits are unable to write and their signatures are by mark that such signatures be attested by two disinterested parties witnesses thereto.

The Notary Public before whom the affidavits are

acknowledged must affix his notarial jurat and seal to each
separate affidavit.

Yours truly,

Commissioner in Charge.

W.
D.C.

RECEIVED
FEB 11 1901

RECEIVED
FEB 11 1901

10651
FEB 11 1901

Muskogee, Indian Territory, April 11, 1902.

Minnie Beck,

Care of Huddleston & Garfield,

Stringtown, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Phoenix A. Beck, infant daughter of L. G. and Minnie Beck, born December 20, 1901, and the same being in proper form has been duly filed with the records of the Commission and the child listed for enrollment as a citizen of the Choctaw Nation.

Yours truly,

Commissioner in Charge.

7 D 403

Waskogee, Indian Territory, April 22, 1903.

D. A. Denton,

Care of Haddleston & Garfield,

Stringtown, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your affidavit
and that of Chell Gilbert relative to the death of your son
Lycurgus D. Beck, which occurred March 20, 1902, and the same
being in proper form has been duly filed with the records of the
Commission.

Yours truly,

Commissioner in Charge.

7-5659

Muskogee, Indian Territory, August 12, 1903.

Mannie Beck,

Stringtown, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of August 7, asking why the names of yourself and your children have not been approved.

In reply to your letter you are informed that it appears from our records that on March 21, 1903, the Commission rendered its decision enrolling you and your four minor children, Sutt, Benjamin, Barton and Phoebe A. Beck as citizens by blood of the Choctaw Nation. Your names will be placed upon the next schedule of citizens by blood of the Choctaw Nation, prepared for forwarding to the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

7-5659

Muskogee, Indian Territory, October 19, 1903.

Hammie Beck,
Stringtown, Indian Territory.
Dear Madam:

Receipt is hereby acknowledged of your letter of September 10, asking if your enrollment has been approved.

In reply to your letter, you are informed that it appears from our records that Hammie Beck and her children, Eutt, Benjamin, Barton and Pheoba A. Beck, have been enrolled by this Commission as citizens by blood of the Choctaw Nation and their names have been placed upon a schedule of citizens of said Nation which has been forwarded to the Secretary of the Interior. The Commission has not yet been notified of Departmental action in this matter.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, October 19, 1903.

Commissioner in Charge,
Choctaw Land Office,
Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 13, with which you enclosed partial reply to a letter of Nannie Beck of September 10, 1903, and state that her name appears upon the records of your office upon the schedule of Choctaws whose citizenship have not yet been determined, listed on card 7-D 403, that a blue pencil mark is drawn through the name and that you are unable to tell whether her application was granted or denied and you, therefore, cannot furnish her information relative to her status.

You are informed that it appears from our records that on March 21, 1903, the Commission rendered its decision granting the application of Nannie Beck for the enrollment of herself and her minor children, Sutt, Benjamin and Pheeba A. Beck, as citizens by blood of the Choctaw Nation. No pretest having been filed by the attorneys for the Choctaw and Chickasaw Nations to this action of the Commission in enrolling the above named applicants, their names have been transferred to Choctaw Roll Card number 5659 and have also

S.L.O.

-3-

been placed upon a schedule of the citizens by blood of said Nation which has been forwarded to the Secretary of the Interior for approval.

Respectfully,

Commissioner in Charge.

MEMORANDA.

(Date) Sept 1 1899.

we
Name Lycurgus C. Beck

Choctaw? yes County _____ Year _____ No. _____

Chickasaw? _____ County _____ Year _____ Page _____

Citizen by blood? _____ Mother's citizenship us

Intermarried citizen? yes

Married under what law? _____

License filed this day, yes

Wife's name, Minnie Beck

Choctaw? yes County Jacks Fork Year 96 No. 1986

Chickasaw? _____ County _____ Year _____ Page 48

Citizen by blood? yes Mother's citizenship Choctaw

Intermarried citizen? _____

Married under what law? _____

License filed this day _____

Names of children:

1	<u>Sutt Beck</u>	County <u>Jacks Fork</u>	Year <u>96</u>	Page <u>48</u>	No. <u>1988</u>
2	<u>Benjamin</u>	County _____	Year _____	Page _____	No. _____
3	<u>Barton</u>	County _____	Year _____	Page _____	No. _____
		County _____	Year _____	Page _____	No. _____
		County _____	Year _____	Page _____	No. _____
		County _____	Year _____	Page _____	No. _____
		County _____	Year _____	Page _____	No. _____
		County _____	Year _____	Page _____	No. _____
		County _____	Year _____	Page _____	No. _____

x On rail Sudd Beck
As to remarriage see his testimony

Born & raised in Cherokee Nation & on the
have been money there, father Cherokee
mother Choctaw - lived in Choctaw Nation
the years - see testimony of
small part of Thomas D. Lee

Choc 5660

Alexander Jones

Trans from Choc. # D475

4-11-03

5660

Commission to the Five Civilized Tribes,
South McAlester, Ind. Terr.

In the enrollment of Alexander Jones as a Choctaw; Annie Davis being sworn and examined by Com'r McKennon testifies:

Q What is your name? A Annie Davis.

Q How old are you? A Forty-eight.

Q Did you know Alex Jones, the father of Alexander Jones?

A Yes sir.

Q He was a Choctaw citizen? A Yes sir.

Q Did you know his wife Paralee? A Yes sir.

Q She was a white woman? A Yes sir.

Q Did you know anything of their marriage? A No sir, I know they lived together as man and wife until he was killed; they said they was married.

Q How many years did you know them to live together as man and wife? A Six or seven years that I know of.

Q Were they regarded in the neighborhood in which they lived as husband and wife? A Yes sir.

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify upon my official oath as
Special Agent to the Commission that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. Green

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.
ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw D-475.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 4, 1902.

Alexander Jones,

Celestine, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 12th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Register.

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 8, 1902.

.....
:: In the matter of the application ::
:: of Alexander Jones for enrollment ::
:: as a citizen by blood of the Choc- :: D-475.
:: tow Nation. ::
.....

On the 4th day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902 the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail, that the application of Alexander Jones for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 12th day of April, 1902, for final consideration.

And now, on this 8th day of April, 1902, the applicant appears in person and asks to make his statement at this time in support of his application, and the applicant being then duly sworn, testifies as follows:

Examination by the Commission.

Q What is your name? A Alexander Jones.
Q How old are you? A Why, I am about thirty-six years old I reckon.
Q Where is your post office? A Celestine.
Q Celestine? A Yes sir.
Q Choctaw Nation? A Yes sir.
Q What is your father's name? A Alex Jones.
Q Alex Jones? A Yes sir.
Q Is he living? A No sir, he's dead.
Q To what county in the Choctaw Nation did he belong? A He belonged in the Sans Bois County, I reckon.
Q What is your mother's name? A Her right name was Paralee; She always went by the name of Skate.
Q What was her maiden name? A Before she married my father, she was a Guy before she married my father.
Q Had she been married before she married your father? A Yes sir.
Q What was her name before? A Before she married her first husband her name was Gardner; her father was named Gardner.
Q What is her name now? Or is she living? A She's not living; she's dead.
Q Did she ever marry again after your father's death? A Yes sir.

(2).

Q She married this man Morgan you are speaking about.
Q After your father's death she married again? A Yes sir.
Q What was her last husband's name? Morgan? A Yes sir.
Q You don't remember his first name? A Sir?
Q Do you remember his first name? A Bill Morgan.
Q Bill Morgan; have you ever been recognized by the Choctaw Nation as a Choctaw? A Yes sir.
Q Were you on the 1895 Choctaw payment roll? A Yes sir.
Q Drew your money with them? A Yes sir.
Q What County were you in then? A In Atoka County.
Q In Atoka County? A Yes; I enrolled at Atoka and drewed the money at Sealgate.
Q What relation is C. J. Jones to you? A Own brother.
Q He is your own brother? A Yes sir.
Q Your father was a Choctaw was he? A Yes sir.
Q Was he recognized as a Choctaw? A Yes sir, he was always recognized as a Choctaw.
Q And your brother has always been recognized? A As a Choctaw yes sir.
Q Are you married? A Yes sir, I married after I was before the Commission down here at South town.
Q Afterwards? A Yes sir.
Q When were you married? A I was married the 16th of February after being here at Southtown.
Q 16th of February, '99? A Yes sir, I have got one child now.
Q What is your wife's name? A Mattie.
Q Mattie? A Yes sir given name.
Q Her name is Mattie Jones now? A Yes sir.
Q What was the name of her father? A Smith.
Q Give his full name? A Jim Smith.
Q What was the name of her mother? A Lou Smith.
Q Are they both living? A Yes sir.
Q Are they white people or citizens? A Yes sir, they are white people.
Q They are white people? A Yes sir.
Q How old is your wife? A Thirty years old.
Q She is still living with you is she? A Yes sir.
Q Have you any children? A I have got one boy.
Q One boy? A Two months old the 11th of this month.
Q Two months old the 11th of this month? A Yes sir.
Q Born January----born February 11th? A Yes sir, 11th of February.
Q What is it's name? A It's name is Vergie.
Q What? A Vergie.
Q Vergie? A Yes sir.
Q Your brother C. J. Jones lived in the Chickasaw Country does he? A Yes sir.

reference is made to Choctaw roll card Field Number 231 where the name of C. J. Jones, brother of this applicant appears together with his family.

(2)

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled case on the 8th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said case on the said day of April, 1902.

Subscribed and sworn to before me this 10 day of April, 1902.

Samuel Hillwood

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 12, 1902.

.....
:: In the matter of the application ::
:: of Alexander Jones for enrollment ::
:: as a citizen by blood of the Choctaw Nation. ::
.....

D-475.

On the 4th day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Alexander Jones for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 12th day of April, 1902, for final consideration.

Now on this 12th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the Choctaw Nation failed to appear, and the applicant having appeared before the Commission in person on the 8th day of April, 1902, and submitted his testimony in support of his application without objection, this case will now be considered upon the evidence and record as on file.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 12, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 12 day of April, 1902.

Carroll H. Williams
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 3 1902

[Signature]
ACTING CHAIRMAN.

CHOC. A. N.

2 1175

No. 1075

Certificate of Record of Marriages.

UNITED STATES OF AMERICA, }
THE INDIAN TERRITORY, } SCT.
CENTRAL DISTRICT.

I, E. J. FANNIN, Clerk of the United States
Court in the Indian Territory and District aforesaid,

do hereby CERTIFY that the License for and Cer-
tificate of the Marriage of

Mr. *Alfred Jones* and
M. *Mattie Walters*

was filed in my office in said Territory and District
the 16 day of Nov A. D.
1899 and duly recorded in Book of
Marriage Record, Page 545

WITNESS my hand and seal of said Court,
at *Walters* this 16
day of Nov A. D. 1899

E. J. FANNIN,
Clerk.

[Signature]
Deputy.

STATIONER, GALVESTON, TEX.

MARRIAGE LICENSE.

UNITED STATES OF AMERICA,
THE INDIAN TERRITORY,
CENTRAL DISTRICT. } SS.

To Any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to solemnize the Rite and publish the BANS OF MATRIMONY between Mrs. Alex Jones, of Okfuskee in the Indian Territory, aged 30 years, and Mr. Mattie Waters of Okfuskee in the Indian Territory, aged 28 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS My hand and official seal, this

16 day of

Nov

A. D.

1899

J. M. Dodge
Deputy

E. J. Farnum
Clerk of the United States Court.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
CENTRAL DISTRICT. } SS.

E. J. Farnum

U. S. Clerk

do hereby CERTIFY, that on the

16

day of

Nov

A. D.

1899

I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the BANS OF MATRIMONY between the parties therein named.

Witness my hand this

16

day of

Nov

A. D.

1899

My credentials are recorded in the office of the Clerk of the United States Court in the Indian Territory, Central District, Book

Page

E. J. Farnum

U. S. Clerk

By J. M. Dodge

NOTES: This Certificate of Marriage must be returned to the Office of the Clerk of the United States Court of the Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars (\$100.00).

Department of the Interior.
Commission to the Five Civilized Tribes.
South McAlester, I. T., December 22nd, 1902.

Choctaw D-475
Intermarried

-----oOo-----

In the matter of the application for the enrollment of
Mattie Jones as an intermarried citizen of the Choctaw Nation, and
for the enrollment of her husband, Alexander Jones, and their minor
child Vergie Jones, as citizens by blood of the Choctaw Nation.

Alexander Jones being first duly sworn testified as fol-
lows:

Examination by the Commission.

- Q What is your name? A Alexander Jones.
Q How old are you? A About thirty-two years old.
Q What is your post office address? A Celeste.
Q That's in the Choctaw Nation? A Yes sir.
Q How long have you resided in the Choctaw nation? A All my life
Q Are you a citizen by blood of the Choctaw Nation? A Yes sir.
Q Have you always been recognized by the tribal authorities as a
citizen? A Yes sir.
Q Have you drawn all payemnts made to the tribe? A I drew one
payment.
Q What payment was that? A When they paid \$103.
Q That leased district payment in 1893? A Yes sir.
Q Who is your father? A Alex Jones.
Q Is he a citizen by blood of the Choctaw Nation? A Yes sir.
Q Who is your mother? A Paralee Gardenhire.
Q Was she a white woman? A Yes sir.
Q Was your father and Paralee gardenhire married? A Yes sir, as
far as I can tell. I wrote down here to Skullyville county to
find out and the Clerk said the courthouse got burnt up and burnt
up all the license.
Q Well has your rights as a citizen of the Choctaw Nation ever been
questioned? A No sir.
Q Where was you living in 1896? A Must have been living at Coal-
gate.
Q That's six years ago; where was you living? A I was living at
Coalgate six years ago.
Q Do you remember when this Choctaw nation made the census in 1896?
A Yes sir.
Q Was there any question to your enrollment at that time? A No sir.
Q How was it that you was not enrolled in 1896? A Well, I wasn't
able to go; I was crippled in my arms.
Q You didn't go to the census takers? A No sir.
Q You didn't see any of them? A No sir.

By Simon E. Lewis:

- Q Didn't you come to us in Coleman's store to be enrolled? A I
don't know, no sir.

Alexander Jones----- 2

Q You was living up here - - ? A My brother was here--Charlie Jones.

Mattie Jones being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Mattie Jones.
Q How old are you? A Thirty-one years old.
Q You are a white woman? A Yes sir.
Q An applicant for enrollment as an intermarried citizen of the Choctaw Nation? A Yes sir.
Q What is the name of your Choctaw husband? A Alexander Jones.
Q Is he a citizen by blood of the Choctaw nation? A Yes sir.
Q When were you married to him? A I was married three years ago the 16th day of November.
Q Was you ever married before you married Alexander Jones?
A Yes sir.
Q How many times? A Twice.
Q Both of your former husbands dead? A Yes sir, they were white men.
Q Did Alexander Jones ever marry before he married you? A No sir, not that I know of.
Q Where were you living when you married Alexander Jones?
A Where I am living now, sixteen miles west of here.
Q In the Choctaw Nation? A Yes sir.
Q Was he living in the Choctaw Nation at that time? A Yes sir.
Q Where were you married? A Right here at the Clerk's office, and got the license from Judge Clayton.
Q United States license? A Yes sir.
Q Was that the only time you ever married--was under that United States license? A Yes sir.
Q Have you since your marriage to this man in 1899 lived with him continuously? A Yes sir.
Q Been no separation, desertion or divorce? A No sir.
Q Are you and this man now living together as husband and wife and actual bona fide residents of the Choctaw nation? A Yes sir.

Albert G. McMillan being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 22nd day of December, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Subscribed and sworn to before me this 10 day of February, 1903.

Albert G. McMillan
Charles H. Sawyer

Notary Public.

LGD
7 D 475

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Alexander Jones and Vergia Ellen Jones as citizens by blood, and for the enrollment of Mattie Jones as a citizen by intermarriage, of the Choctaw Nation.

DECISION.

It appears from the census card record in this case that Alexander Jones appeared before the Commission at South McAlester, Indian Territory, on September 11, 1899, and made personal application for enrollment as a citizen by blood of the Choctaw Nation. Further proceedings were had in the matter of this application at Muskogee, Indian Territory, on April 8, 1902, at which time the said Alexander Jones appeared before the Commission and made application for the enrollment of his wife, Mattie Jones, as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his minor child, Vergia Ellen Jones, as a citizen by blood of said Nation. Further proceedings were had in the matter of these applications at South McAlester, Indian Territory, on December 22, 1902.

It further appears from the evidence in this case that the principal applicant herein is the son of Alex Jones, deceased, a recognized citizen by blood of the Choctaw Nation, and Paralee Jones, a non-citizen white woman; that applicant Mattie Jones claims her right to enrollment by reason of her marriage on November 16, 1899, to Alexander Jones; and that minor applicant Vergia Ellen Jones is the offspring of said union.

On an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission the name of Alexander Jones (as Alex. Jones), is identified on the 1893 Choctaw Leased District pay roll, Atoka County, page 58, number 614, enrolled as a citizen by blood of the Choctaw Nation. Minor applicant Vergia Ellen Jones having been born subsequent to the preparation of the last tribal rolls of the Choctaw Nation is identified by proper evidence of birth filed with the Commission and made a part of the record in this case.

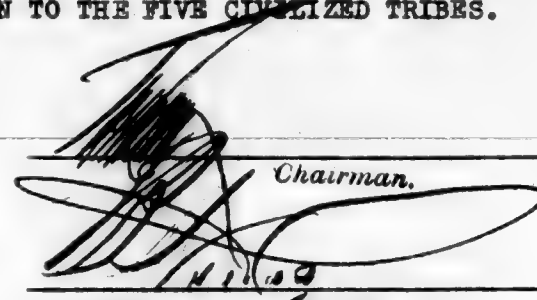
The evidence in this case further shows that the principal applicant herein was a resident in good faith of Indian Territory on June 28, 1898, and had been all his life prior thereto; that minor applicant Vergia Ellen Jones was born in said territory on February 11, 1902, and has always lived in Indian Territory; and that applicant Mattie Jones has resided continuously in the Choctaw

Alexander Jones, et al., 2.-

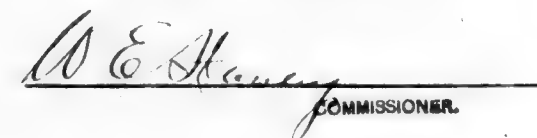
taw Nation with her said Choctaw husband, Alexander Jones, since the date of her marriage with him in said nation, up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that Alexander Jones and Vergia Ellen Jones should be enrolled as citizens by blood of the Choctaw Nation, and that Mattie Jones should be enrolled as a citizen by intermarriage of the Choctaw Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495), and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


COMMISSIONER.


COMMISSIONER.

Muskogee, Indian Territory,

MAR 26 1903

Choctaw D 475

COPY.

Waskagee, Indian Territory, March 26, 1903.

Alexander Jones,
Celestine, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 26, 1903, granting the application made for the enrollment of yourself and your minor child, Vergie Ellen Jones, as citizens by blood, and of your wife, Mattie Jones, as a citizen by intermarriage, of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time, no protest has been filed the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,
SIGNED,

Tams Dixey.
Chairman.

Registered.

Enc. NOV 23

COPY.

Choctaw B 475

Madame, Indian Territory, March 26, 1903.

Hanfield, McIlwray & Gornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 26, 1903, granting the application made for the enrollment of Alexander Jones and his minor child, Vergie Ellen Jones, as citizens by blood, and of his wife, Mattie Jones, as a citizen by intermarriage, of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time no protest has been filed the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully, (SIGNED)

Tams Bixby.
Chairman.

Registered.

Enc. MAY 26

CHOCTAW.

INDEXED.

IN RE

Application for Enrollment of

INFANT CHILD

Virginia Ellen Jones
as a citizen of the

Choctaw Nation.

Approved MAY 3 1902

190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAY 3 1902

ACTING CHAIRMAN.

CHOCTAW.

D475

DEPARTMENT OF THE INTERIOR, COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
of Vergie Ellen Jones, born on the 11 day of Feb, 1902
(Here insert name of child.)
Name of Father: Alexander Jones, a citizen of the Choctaw Nation.
Name of Mother: Mattie Jones, a citizen of the Choctaw Nation.
Post-Office: Celestine, D.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, Mattie Jones, on oath state that I am 31
years of age and a citizen, by Marriage, of the Choctaw Nation;
that I am the lawful wife of Alexander Jones, who is a citizen, by
Blood, of the Choctaw Nation, that a girl child was
(Male or female.)
born to me on the 11 day of Feb, 1902; that said child has been
named Vergie Ellen Jones, and is now living.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

G. H. Woods
A. W. Woods

Mrs. Mattie Jones

Subscribed and sworn to before me this 29 day of April, 1902

D. T. Hunt

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, Samuel Murphy, a woman, on oath state that I
attended on Mrs. Mattie Jones, wife of Alexander Jones,
on the 11 day of Feb, 1902; that there was born to her on said
date a girl child; that said child is now living and is said to have been
(Male or female.)
named Vergie Ellen Jones.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

G. H. Woods
A. W. Woods

S. C. Murphy

Subscribed and sworn to before me this 29 day of April, 1902

D. T. Hunt

Notary Public.

Cherokee D 471

Madame, Indian Territory, April 10, 1905.

Alexander Jones,

Delaware, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of yourself and your minor child, Vergie Jones as citizens by blood of the Cherokee Nation and the application made by you for the enrollment of your wife as a citizen by intermarriage of the Cherokee Nation, the Commission has to request that you furnish by as early a date as practicable either the original or a certified copy of the marriage license and certificate between you and Nettie Jones.

It will also be necessary in the matter of the application for the enrollment of your child, Vergie Jones, as a citizen of the Cherokee Nation, that the Commission be supplied with evidence of his birth. For this purpose there is enclosed herewith a blank application for the enrollment of an infant child. In making the same please be careful to see that all blanks are properly filled, the name written in full and in correct order as the person whose name you are to fill and to the affidavit you make as with your name and date of birth, the date

signatures be attested by two disinterested persons, witnesses
thereto.

The notary public before whom the acknowledgments of the
mother and the attending physician or nurse are made, must affirm
his official jurat and seal in each separate affidavit.

Yours truly,

Acting Chairman.

20

Muskogee, Indian Territory, May 3, 1902.

Alexander Jones,

Cohasset, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Vergie Ellen Jones, infant daughter of Alexander and Mattie Jones, born February 11, 1902 and the same being in proper form has been filed with the records of the Commission as evidence of the birth of this child.

Receipt is also acknowledged of the marriage license and certificate between Alex Jones and Mattie Waters and the same has been duly filed with the records of the Commission in the matter of the application of Mattie Jones for enrollment as an intermarried citizen of the Choctaw Nation and for the enrollment of the child named above.

Yours truly,

Commissioner in Charge.

Chectaw D 473.

Muskogee, Indian Territory, May 4, 1903.

Alexander Jones,
Calvin, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 30,
asking if you have been enrolled.

In reply to your letter you are advised that it appears
from our records that on March 26, 1903, the Commission rendered its
decision granting the application for enrollment of Alexander Jones,
his wife, Mattie Jones, and their child Vergia Ellen Jones as citi-
zens of the Choctaw Nation. On the same date they were notified of
this action of the Commission and advised that the attorneys for the
Choctaw and Chickasaw Nations had been allowed fifteen days within
which to protest to the enrollment of the above named applicants.
No protest having been made within the time allowed, you and your
child Vergia Ellen Jones have been enrolled by this Commission as
citizens by blood of the Choctaw nation, and your wife, Mattie Jones,
has been enrolled as an intermarried citizen of the Choctaw Nation,
and the names of these persons will be placed upon the next schedules
of citizens of the Choctaw Nation prepared for forwarding to the
Secretary of the Interior.

Respectfully,

7-5660

Muskogee, Indian Territory, February 6, 1907.

Alexander Jones,
Calvin, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 21, 1907, asking if you can now have your two deceased children enrolled.

In reply to your letter you are advised that it does not appear that an application has been made for the enrollment of your two children named therein and under the Act of Congress approved April 26, 1906, only those children who were living March 4, 1906 were entitled to enrollment.

Respectfully,

Commissioner.

MEMORANDA.

(Date) Sept 11 1899.

Name Alexander Jones

Choctaw? yes County _____ Year _____ No. _____

Chickasaw? _____ County _____ Year _____ Page _____

Citizen by blood? yes Mother's citizenship Chickasaw

Intermarried citizen? _____

Married under what law? _____

License filed this day _____

Wife's name, _____

Choctaw? _____ County _____ Year _____ No. _____

Chickasaw? _____ County _____ Year _____ Page _____

Citizen by blood? _____ Mother's citizenship _____

Intermarried citizen? _____

Married under what law? _____

License filed this day _____

Names of children:

_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____

On p 58 #614-93 RR atoka Co
as alex Jones

Proof of parents marriage supplied

5475-

Choctaw 5661

Addie Land

Transferred from Choctaw card #D-497

4-11-03

5661

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

The record in the matter of the application for the enrollment as a citizen by blood of the Choctaw Nation of

ADDIE LAND,

7 D 497
-----0-----

7-2497

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES
Muskogee, Indian Territory, January 30, 1901.

In the matter of the application for enrollment as a citizen of the Choctaw Nation of Addie Land; said Addie Land having been first duly sworn, testified as follows:

Examination by the Commission.

Q What is your name? Addie Land.
Q How old are you? A Nineteen.
Q What is your post-office address? A South McAlester.
Q Do you live at South McAlester? A Yes sir.
Q How long have you lived ~~in Muskogee~~ there? A About three months.
Q Where did you live before that? A Oklahoma City.
Q How long did you live there? A About two months.
Q Where did you live before that? A Harrow, Oklahoma.
Q How long did you live there? A About one month.
Q How long have you been away from the Choctaw Nation? A Well, I left in March, last March.
Q 1900? A Yes sir.
Q Born in the Choctaw Nation? A Yes sir.
Q Lived there all your life? up until the time you went to Oklahoma.
Q A Yes sir.
Q About how long altogether? A I went in March and come back in about six months.
Q Did you go to Oklahoma to make your residence there? A No sir; my husband is on a railroad, and he stayed there.
Q Your permanent residence is in the Choctaw Nation? A Yes sir.
Q What is your father's name? A Charles McDuff.
Q Is he living? A Yes sir.
Q He is a Choctaw Indian? A Yes sir.
Q What is your mother's name? A Rachel McDuff.
Q Is she living? A Yes sir.
Q What tribe of Indians does she belong to? A Creek.
Q Is your father's name on the Choctaw rolls? A Yes sir.
Q Your mother's on the Creek rolls? A Yes sir.
Q Have you been enrolled as a citizen of the Creek Nation? A Why, I don't know.

It appears from the records of the Creek Nation in possession of the Commission that Addie McDuff was enrolled by the Creek tribal authorities in 1890, on their authentic rolls as a citizen by adoption, Broken Arrow town, page 223, the daughter of Rachel McDuff, and she appears upon Creek roll card, field number 836.

Q Is your name upon any of the tribal rolls of the Choctaw Nation?
A I think so.
Q

It appears from the tribal rolls of the Choctaw Nation in possession of the Commission, that Addie McDuff, this applicant, drew the leased district money in 1893, her name appearing upon the roll of Tobucksey County, page 67, number 589; she was also enrolled in 1896 by the Choctaw authorities on their Census Roll as a resident of Tobucksey County, number 9200.

Addie Land - #2.

How did your mother become a citizen of the Creek Nation? A By adoption; she was adopted.

Q You drew money in the Creek Nation in 1890, did you? A I don't know. I don't remember.

Q Did you draw the payment in 1893, in the Choctaw Nation? A Yes sir.

Q How much did you get out of that? A One hundred and three dollars, I think.

Q Did you draw in the Creek Nation for that? A I don't remember.

Q Did you draw the 1895 payment in the Creek Nation? A I don't remember.

Q Have you any children? A No sir.

Q Your purpose in now appearing before the Commission is to elect as to your final enrollment in either the Choctaw or Creek Nation? Is that correct? A Yes sir.

Q The twenty-first section of the Act of Congress of June 28, 1898 provides that,

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys, belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

Q Your purpose is now to elect to be enrolled as a citizen of the Choctaw Nation under the provisions of the Act of Congress above referred to? A Yes sir.

Q If the Commission determines that you are entitled to enrollment as a citizen of the Choctaw Nation, and so enrolls you upon the final rolls to be submitted to the Secretary of the Interior for his approval, do you relinquish all your right, title and interest, in any manner, in and to the lands, properties and moneys belonging to the Creek tribe of Indians? A. Yes sir.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings in the above entitled cause, and the foregoing is a full, true and correct translation of his stenographic notes in said cause.

R. S. Streit

Subscribed and sworn to before me this 31st day of January, 1901.

Guy L. P. Emerson
Notary Public.

200A
LQD

7 D 497 -

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Addie Land as a citizen by blood of the Choctaw Nation.

D E C I S I O N .

It appears from the census card record in this case that Addie Land appeared before the Commission at South Canadian, Indian Territory, on September 14, 1899, and made personal application for enrollment as a citizen by blood of the Choctaw Nation. Further proceedings were had in the matter of this application at Muskogee, Indian Territory, on January 30, 1901.

The evidence in this case further shows that the applicant, Addie Land, is a daughter of Charles McDuff, a recognized and enrolled citizen by blood of the Choctaw Nation, and Rachel McDuff, a recognized and enrolled citizen by blood of the Creek Nation.

On an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, the name of Addie Land, (as Addie McDuff), is identified on the 1893 Choctaw Leased District pay roll, Tobucksey County, page 67, number 589, and upon the 1896 Choctaw census roll, Tobucksey County, number 9200, enrolled as a citizen by blood of the Choctaw Nation.

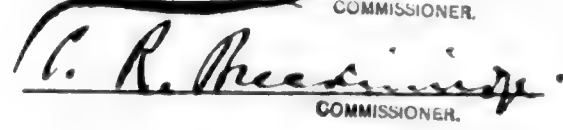
It further appears from the evidence in this case that the applicant herein was a resident in good faith of Indian Territory on June 28, 1898, and had been all her life prior thereto.

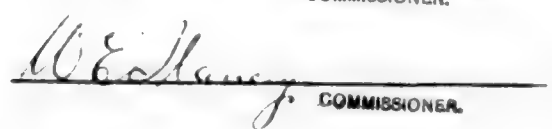
The records herein further show that Addie Land appeared before the Commission at the proceedings had in the matter of this application at Muskogee, Indian Territory, January 30, 1901, and under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stat., 495), elected to be finally enrolled and take allotment of land and distribution of moneys in the Choctaw Nation.

It is, therefore, the opinion of this Commission that Addie Land should be enrolled as a citizen by blood of the Choctaw Nation under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


COMMISSIONER.


COMMISSIONER.


COMMISSIONER.

Muskogee, Indian Territory,

MAR 26 1903

Chectaw D-497

COPY.

Muskogee, Indian Territory, March 26, 1903.

Addie Land,

South Canadian, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission rendered March 26, 1903, granting your application for enrollment as a citizen by blood of the Chectaw Nation.

The attorneys for the Chectaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you as a citizen of the Chectaw Nation. If at the expiration of that time, no protest has been filed, your name will be placed upon the final rolls of the citizens of the Chectaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,
(SIGNED)

James Dixby.

Chairman.

Registered.

Enc. JLD 3.

Choctaw D 597.

COPY.

Euskogee, Indian Territory, March 26, 1903.

Creek Enrollment Division,

Commission to the Five Civilized Tribes/

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission rendered March 26, 1903, granting the application made for the enrollment of Addie Land, as a citizen by blood of the Choctaw Nation.

It appears from the records of the Commission that the applicant herein was enrolled by the Creek tribal authorities in 1890, Broken Arrow town, page 223, daughter of Rachel McDuff, and that she appears upon Creek roll card, Field No. 836.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

Enc. JLD 7.

Choctaw D 497.

COPY.

Muskogee, Indian Territory, March 26, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission rendered March 26, 1903, granting the application made for the enrollment of Addie Land as a citizen by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed, the name of the applicant will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tams Bixby.
Chairman.

Registered.
Enc. JLD 6.

Muscogee, Indian Territory,

August 18th, 1900.

Addie Loud,

South Canadian, Indian Territory,

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-497.

COMMISSIONER:
HENRY L. DAWES,
THOMAS BIXBY,
THOMAS S. NEEDLES,
C. R. BRINKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 18, 1900.

Addie Loud,

South Canadian, Indian Territory.

Dear Madam:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The question raised, is as to your Creek blood.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Thomas Bixby
Acting Chairman.

7-D-497

Chester-B-497

Muskogee, Indian Territory, March 4, 1903.

Commission to the Five Civilized Tribes,
(Creek Enrollment Division.)
Muskogee, Indian Territory,

Gentlemen:

There is inclosed herewith copy of testimony taken at Muskogee, Indian Territory, on January 30, 1901, in the matter of the application of Addie Land for enrollment as a citizen by blood of the Choctaw Nation.

It appears from the records of the Commission that said applicant is also listed for enrollment as a citizen by blood of the Creek Nation and in the testimony herewith inclosed, the said Addie Land has elected to be finally enrolled and take allotment of lands and distribution of moneys with the Choctaw tribe of Indians.

When a decision has been prepared in the matter of the enrollment of this applicant as a citizen of the Choctaw Nation, you will be supplied with a copy of the same.

Respectfully,

Chairman.

Enc.
LMB-28

9-2261

Muskogee, Indian Territory, May 14, 1905.

Addie Lund,

Canadian, Indian Territory.

Dear Madam:

In the matter of your enrollment you are requested to furnish the Commission at once sworn statement relative to the amount of Choctaw blood possessed by you. This information is desired in the matter of your enrollment and your prompt attention thereto is requested.

Respectfully,

Commissioner in Charge.

7-56-1
7-56-2

Muskogee, Indian Territory, July 3, 1903.

Addie Land,

Canadian, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of June 7, 1903, enclosing the affidavit of S. H. Lewis relative to the degree of Choctaw blood possessed by yourself and the other members of your family, and the same has been duly filed with the records of the Commission in the matter of your application for enrollment as a citizen by blood of the Choctaw Nation, and a certified copy thereof filed in the matter of the application for enrollment of Mary M. Charles L., Emma, Robert L. and Andrew J. Mabuff as citizens by blood of the Choctaw Nation.

Respectfully,

Commissioner in Charge.

9-5661

Muskogee, Indian Territory, July 3, 1903.

Commissioner in Charge,
Choctaw Land Office,
Atoka, Indian Territory.

Dear Sir:

You are hereby advised that the following notation has
this day been placed upon original Choctaw enrollment card, No. 3661:

"See affidavit of Simon H. Lewis as to degree
of Choctaw blood possessed by No. 1, filed
July 3, 1903."

and the fraction $1/8$ entered opposite the name of No. 1 in the
column marked "blood".

You are therefore, requested to make like notation
and entries upon the duplicate card in your possession in accordance
with the above information.

Respectfully,

Commissioner in Charge.

7-3661

7-3662

Muskogee, Indian Territory, July 10, 1903.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory.

Dear Sir:

On the 3rd instant this office transmitted copy of notations made that day upon original Choctaw enrollment cards, Nos. 5661 and 5662 with instructions that the same be placed upon the corresponding duplicates in your possession.

Enclosed you will find copies of original Choctaw enrollment cards, Nos. 5661 and 5662 including the notations referred to in our letter of the 3rd instant, and you are requested to enter the same upon the corresponding duplicates in your possession.

Respectfully,

Commissioner in Charge

Enc. 11. 104

7-5551
7-5552

Atoka, Indian Territory, July 10, 1903.

Commissioner in Charge,
Choctaw Land Office,
Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th instant acknowledging receipt of our letter of the 3rd instant advising that certain notations be made upon duplicate Choctaw enrollment cards, Nos. 5561 and 5562, and you state that said duplicate cards are blank.

Enclosed you will find copies of original Choctaw enrollment cards, Nos. 5561 and 5562, including the notations referred to in our letter of the 3rd instant. You are requested to enter the same upon the corresponding duplicates in your possession.

Respectfully,

Commissioner in Charge

Enc. 25. 123

7-5661.

Muskogee, Indian Territory, October 9, 1903.

Mrs. Addie Land,
Lock Box 176,
Canadian, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of July 21, 1903, which was received at this office September 22, 1903, in which you state that as your enrollment has not yet been approved you are not permitted to file on certain land which you desire to select in allotment and request that you be protected against other persons filing thereon.

In reply to your letter you are informed that if you will furnish a description of the land which you desire to select in allotment, proper notation thereof will be made upon the records of the Commission, and you will be notified in the event any other person makes application for the same land or any portion thereof, and will be permitted to institute contest proceedings for its possession.

You are further informed that your name has been placed upon a schedule of citizens by blood of the Chectaw Nation which has been forwarded to the Secretary of the Interior for approval,

Mrs. A. L. S

but the Commission has not yet been informed of the Departmental
action in this matter.

Respectfully,

Chairman.

MEMORANDA.

(Date) Sept 14 1899.

[illegible]

Choctaw? **County** **Year** **No.**

Chickasaw? _____ County _____ Year _____ Page _____

Citizen by blood? **Mother's citizenship**

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name, Abdulla Larif

Choctaw? *Yes* County *Johns* Year *96* No. *920*

Chickasaw? County Year Page 231

Citizen by blood? **Mother's citizenship**

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

County _____ Year _____ Page _____ No. _____

County _____ Year _____ Page _____ No. _____

County Year Page No.

County	Year	Page	No.
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County	Year	Page	No.
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County _____ Year _____ Page _____ No. _____

County	Year	Page	No.
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County _____ Year _____ Page _____ No. _____

County Year Page No.

County _____ Year _____ Page _____ No. _____

v. Our salt Addie McDuff

mother a Catoba Indian, adopted by
the Creeks. She & her children were
drawn annuity there. See about the
enrollment & see testimony of
Charles J. McDuff

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FILED
JUL 3 1903

[Handwritten signature]
-J. B. HARRIS

7-5662

Indian Territory,
Central District.

South McAlester, Indian Territory June 3, 1903.

Before me the undersigned Notary Public
in and for the Territory and District aforesaid,
personally appeared Simon K. Lewis, who being by me
duly sworn deposes and says:

My name is Simon K. Lewis, I am sixty
two years of age; my post office is South McAlester,
Indian Territory for the present. I am a citizen
of the Choctaw Nation by blood. I am chairman of
the Choctaw citizenship Commission. I was well
acquainted with C. J. McDuff, deceased and his family.
I was not acquainted with his mother, but was well
acquainted with her brother, Campbell Leflore, Sr.
I also knew one of her sisters, Mrs. Arle Lombard.
They were just about half breeds. C. J. McDuff's *Father*
was a white man which would leave C. J. McDuff one
fourth Indian. He married Rachael Gentry who was a
Creek Indian, but she had been adopted into the
Creek Nation and is a recognized citizen of the
Creek Nation. This would leave the children by
this marriage one-eighth Choctaw. Addie Land is
C. J. McDuff's oldest daughter. She married Jack
Land. The other children are as follows: Mary M.
McDuff, Charles L. McDuff, Emma McDuff, Robert L.
McDuff, Andrew J. McDuff. They are on the 1893
pay roll, also on the 1896 roll and have always
been recognized by the Choctaws.

S. K. Lewis

Subscribed and sworn to before me this 3rd day of
June, 1903.

W. H. Mann

Chapman 14985
CC5661

MONDAY, APRIL 9, 1934

John Green Land Services To Be Held This Afternoon

Funeral services for John Green Land, Sr., 67-year-old prominent retired Muskogee business man, will be held at the Agent funeral home chapel this afternoon at 2:30 o'clock. The Rev. Paul R. Palmer, pastor of Grace Episcopal church, of which Land was a member, will officiate. Burial will be in the family mausoleum at Greenhill cemetery.

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Active pallbearers will be Dave H. Wilson, Dr. W. W. Groom, A. J. Vaughan, E. C. Hoffman, Marshall Cook and Zac Farmer. Honorary pallbearers will be Cecil Gibson, Bob Jones, Harry Ogden, L. M. Tomlinson, Harry Gibson, W. N. Gifford, Dr. Finis Ewing and Sam Pegrum.

Land died at a local hospital Thursday morning. He had been in ill health for some time and suffered a heart attack at his home, 1158 Cherry street, early Wednesday morning.

Land is survived by the widow, Mrs. Carolyn McDuff Land, whom he married at Canadian, I. T., in 1899; a son, Lieut. John G. "Jack" Land, Jr., U.S.N.R., stationed at Camp Peary, Va.; a daughter, Mrs. Robert S. Scott, Norfolk, Va.; two grandsons, John Green Land, III, and Charles McDuff Land, and a sister, Mrs. Estell Land Cobb of San Antonio, Texas.

AY
T
ement

CHECK-UP

Choctaw 5662

Mary McDuff

Transferred from Choctaw Card #D 498
4-11-03

5662

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the enrollment
as citizens by blood of the Choctaw Nation of-

MARY M. McDUFF, et al., 7-D-498.

Commission to the Five Civilized Tribes,
South Canadian, Indian Terr.

In the enrollment of the children of Charles J. McDuff as
Choctaws; being sworn and examined by Com'r McKennon he states:

Q What is your name? A Charles J. McDuff.

Q How old are you? A Forty-two.

Q Your wife is a Catapa Indian? A Yes sir.

Q She was adopted by the Creeks? A Yes sir.

Q Is she enrolled in the Creek Nation that you know of?

A I don't know.

Q Have your children ever been enrolled in the Creek Nation?

A I don't know.

Q Have you had them enrolled? A They drew annuity in the
Creek Nation once, about five or six years ago, but they rejected
them on the last.

Q You are a Choctaw citizen? A Yes sir.

Q Where have your children been living? A Right here.

Q All their lives? A Yes sir.

Q They were born and raised in the Choctaw Nation? A Yessir.

Q They have never lived in the Creek Nation? A Never have.

Q You have been living here with your family since you married
your wife? A Yes sir.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
stenographer to the named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

W. D. Keen

IN RE

Application for Enrollment of
INFANT CHILD.

Andrew J. McEluff

As a citizen of the

Choctaw Nation.

Approved

I

Commissioner.

7D498-4999

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Andrew J. McKluff, born on the 3rd day of Feb, 1898

Name of father: Chas. J. McKluff, a citizen of the Choctaw Nation.

Name of mother: Rachel McKluff, a citizen of the Choctaw Nation.

Post Office: South Canadian, S.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Central District. }

I, Rachel McKluff, on oath, state that I am 40 years of age and a
citizen, by adoption, of the Choctaw Nation; that I am the
lawful wife of Chas. J. McKluff who is a citizen, by blood, of the
Choctaw Nation; that a male child was born to me on the 3rd day
of Feb, 1898; that said child has been named Andrew J. McKluff,
and is now living.

L. G. Battist
Subscribed and sworn to before me this

Rachel McKluff
14th day of September, 1899

A. S. Mendenhall
Notary Public
Commissioner

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
District. }

I, _____, a _____, on oath, state that I
attended on Mrs. _____, wife of _____
on the _____ day of _____, 1899; that there was born to her on said date a _____ child;
that said child is now living and is said to have been named _____.

Subscribed and sworn to before me this _____ day of _____, 1899.

Notary Public.

7 N 498

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 30, 1901.

In the matter of the application for the enrollment of Mary M., Charles L., Emma, Robert L. and Andrew J. McDuff, as citizens of the Choctaw Nation, children of Rachel McDuff; the said Rachel McDuff having been first duly sworn, testified as follows:

Examination by the Commission.

- Q. What is your name? A Sir?
Q. What is your name? A McDuff.
Q. Your full given name? A Rachel McDuff.
Q. How old are you? Forty-two.
Q. What is your post-office address? A Canadian.
Q. You live in the Choctaw Nation? A Yes sir.
Q. How long have you lived there? A I have lived there ever since I was married; married in 1877.
Q. Your purpose in now appearing before the Commission is in behalf of your children, Mary M., Charles L., Emma, Robert L. and Andrew J.? A Yes sir.
Q. Are these all the children you have? A Yes sir. I have five children with the married daughter.
Q. All of these children are living now? A Yes sir.
Q. Are you the mother of all of them? A Yes sir.
Q. C. J. McDuff is the father of all of them? A Yes sir.
Q. Is he living? A Yes sir.
Q. He is a Choctaw Indian? A Yes sir.
Q. Always enrolled and acknowledged as such by the Choctaw tribal authorities? A Yes sir.
Q. What are you? A Creek.
Q. Creek Indian are you? A Yes sir.
Q. Have you ever been enrolled by the Choctaw authorities? A No sir, I guess not.
Q. Did you ever derive any benefits as a Choctaw Indian? A No myself?
Q. Yes man? A No sir.
Q. Did you ever get any money as a Choctaw? A No sir; I never drew any.
Q. How did you become a citizen of the Creek Nation? A I was adopted.
Q. Was adopted? A Yes sir.
Q. By the Creek Council? A Yes sir.
Q. What tribe of Indians did you belong to? A Cathawba.
Q. These children have always lived in the Choctaw Nation? A Yes sir; born and raised there.
Q. Born there? A Yes sir.
Q. Never lived anywhere else? A No sir.
Q. None of them ever lived in the Creek Nation? A No sir.
Q. Ever derive any benefits as Creek Indians? A Why they drew once, I think.
Q. Been enrolled in the Creek Nation? A Sir?
Q. Have these children been enrolled in the Creek Nation? I think they are. Yes sir; they are on the Creek rolls.
Q. Did you ever make application to the Commission to have them enrolled as Creek Indians? A Creek Indians?
Q. Yes? A I don't know whether Charley did or not.
Q. Did you ever make application to the Commission to have them enrolled as Creek Indians? A When I enrolled; no sir.

Rachel McDuff, et al. - #2.

- Q Wasn't you before the Commission on the 21st day of September 1899? A I was up here; I have forgotten what month it was.
- Q Didn't you apply to have yourself and children enrolled as Creek Indians at that time? A I was up here myself, for myself.
- Q Didn't you appear for yourself, and also wanted to have your children enrolled as Creek Indians? A No sir; I didn't appear.
- Q When you was here before the Commission a year ago last September, you come here to be enrolled as a Creek Indian, didn't you? A Yes sir.
- Q You also wanted to have your children enrolled; at the time you made application, didn't you also apply for your children? A Yes sir.
- Q To have them enrolled as Creek Indians? A Yes sir.
- Q The records of the Commission examined, and it appears that on Creek roll card, field number 836, that on September 21, 1899, Rachel McDuff, a citizen by adoption of the Creek Nation, made application for the enrollment of herself and for her daughter Addie Land, and her children, May, Charley, Emma, Robert L., and Andrew J. McDuff Jr. Rachel McDuff and her first three children identified by the Commission from the 1890 authentic roll of the citizens of the Creek Nation, Broken Arrow town, page 223. The three youngest children, Emma, Robert L., and Andrew J., being enrolled upon the sworn testimony of Charles J. McDuff and W. E. Gentry, having been born subsequent to the 1890 authentic Creek roll.
- Q You have made a selection of land in the Creek Nation, haven't you? A For myself, I have.
- Q Did you try to make a selection for your children? A Yes sir.
- Q You made a selection, and tried to have an allotment made to you in the Creek Nation, didn't you? A Yes sir.
- Q Did you try for your children? A Well, I have for myself.
- Q Well, did you try to have an allotment set aside for your children? A Yes sir.
- Q In the Creek Nation? A Yes sir.
- Q Mrs. McDuff, at the time you were adopted by the Creek Council were any of these children living? A My children?
- Q Yes? A My parents were adopted.
- Q Were any of your children living? When was this act of adoption, by which you became a Creek citizen; how long ago? A I couldn't tell you.
- Q Do you remember anything about it? A Yes sir; I think I do.
- Q Well, how long ago? A Why, I don't exactly know.
- Q Well, how old were you when it took place? A I was young.
- Q Well, how young? A I was - I was young.
- Q Were you married? A No sir.
- Q You had no children then? A No sir.
- Q So, none of these children were included in the act of adoption by which you were adopted? A No sir.
- Q Did you make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation in 1896? A In 1896?
- Q Yes; four years and a half ago, did you make application to be enrolled? A Yes sir.

Rachel McDuff, et al., -#3.

- Q What kind of citizenship did you apply for; did you claim to be a citizen by blood of the Choctaw Nation?
- Q In 1896, when you made this application, did you claim to be a citizen by blood of the Choctaw Nation? A Me, myself?
- Q Yes? A No sir.
- Q What kind of an application was you making; what did you want to be in the Choctaw Nation, when you made this application in 1896? Q What did you make it for; what did you want to anyway?
- Q What did you make the application for; did you want to claim to be a citizen by blood of the Choctaw Nation? A Of the Choctaw Nation; no sir.
- Q What did you claim? A By marriage, I guess.
- Q You wanted your rights as a citizen of the Choctaw Nation by intermarriage? A Yes sir.
- Q At the time you made that application in 1896, you were on the Creek rolls were you? A Yes sir.
- Q Citizen of the Creek Nation; claimed to be a citizen of the Creek Nation by blood, and wanted to be enrolled as a Choctaw citizen by intermarriage? A Yes sir.
- Q What action did the Commission take in regard to your application; what did they do; did they admit you? A Why, they rejected me.
- Q Did you ever take an appeal? A No sir.

The records of the Commission examined and of cases heard under the Act of Congress of June 10, 1896, on Citizenship Docket C., page 418, and Choctaw case 1307, appears the entry of Rachel McDuff versus Choctaw Nation; original application filed September 9, 1896; answer of the Choctaw Nation filed; application denied December 8, 1896. There is no records of any appeal having been taken from the decision of the Commission within the time prescribed by the Act of Congress above referred to.

- Q Now, Mrs. McDuff, you claimed in 1896, a right as a Choctaw citizen; through whom did you claim that? Q Why did you think you were entitled to be enrolled as a citizen of the Choctaw Nation? A By marriage.
- Q Were you married to a Choctaw Indian? A Yes sir.
- Q What was his name? A McDuff.
- Q Was he a citizen by blood of the Choctaw Nation? A Yes sir.
- Q What is his full name? A Charles McDuff.
- Q You claimed your right as an intermarried citizen of the Choctaw Nation? A Yes sir.
- Q Because you had married Andrew J. McDuff? A No sir; Charles E. McDuff.
- Q He is a citizen of the Choctaw Nation? A Yes sir.
- Q He is enrolled as such, is he, by this Commission? A Yes sir.

The name of Charles J. McDuff appears on Choctaw roll card field number 4789.

- Q Did your children, Mary, Charley and Emma McDuff, draw money from the Choctaw Nation in 1893? Yes sir; I think they did.
- Q They drew the leased district payment in 1893? A Yes sir; I think they did.
- Q Did you draw for these children as citizens of the Creek Nation in 1893? A The leased payment; I don't think they drew; I disremember.

Rachel McDuff-#4.

The 1893 Leased District payment roll, Tobuckay County, page 67, number 587 to 591, inclusive, appear the names of Charles McDuff, 34 years of age, Charles McDuff, 4 years of age, and Addie, age 11, May, 16, and Emma, age 1.

Q Mr McDuff drew this money for these children in 1893 did he?

A Yes sir.

Q How much did he get? A I disremember.

The names of Mary M., Charles L., Emma, Robert L., and Andrew J. McDuff, also appear upon the 1896 Census Roll of the Choctaw Nation, Tobuckay County, numbers 9201, 9202, 9203 and 9204.

Mrs. Rachel McDuff now appears before the Commission for the purpose of making election under the Act of Congress of June 28, 1898, for the enrollment of her children, Mary M., Charles L., Emma, Robert L., and Andrew J. McDuff Jr. The names of these children appear upon the records of the Commission, on Choctaw roll card, field number D-498, and upon Creek roll card, field number 836.

It appears from her testimony, and the records in possession of the Commission that these children have been enrolled in both the Choctaw and Creek Nations; Emma and Charley have drawn money as citizens of the Creek Nation, and Charles, Addie, May and Emma, as citizens of the Choctaw Nation; they have always been residents of the Choctaw Nation.

Q Mrs. McDuff, the twenty-first section of the Act of Congress of June 28, 1898, provides that,

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

Q Your purpose in now appearing before the Commission is to make a selection for the enrollment of your children, under the provisions of this Act of Congress, is that correct?

A Yes sir.

Q Which Nation is it that you desire to have your children finally enrolled with? A The Choctaw Nation.

Q In behalf of your children, Mary M. Charles L., Emma, Robert L. and Andrew J. McDuff, you now elect to have them placed upon the final rolls of the Choctaw Nation, as citizens, to be submitted to the Secretary of the Interior for his approval?

A Yes sir.

Q If the Commission enrolls these children as citizens of the Choctaw Nation, do you, in their behalf, relinquish all their right, title and interest, in any manner, in and to the lands, properties and moneys belonging to the Creek tribe of Indians?

A Yes sir.

Rachel McDuff, et al.,)#5.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings in the above entitled cause, and the above and foregoing is a full, true and correct translation of his stenographic notes in this cause.



Subscribed and sworn to before me this 31st day of
January, 1901/



Notary Public.

LGD
7-D-498

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary M. McDuff, Charles L. McDuff, Emma McDuff, Robert L. McDuff and Andrew J. McDuff as citizens by blood of the Choctaw Nation.

- D E C I S I O N -

It appears from the census card and other records herein that Charles J. McDuff appeared before the Commission at South Canadian, Indian Territory, September 14, 1899, and made application for the enrollment of his five minor children, Mary M. McDuff, Charles L. McDuff, Emma McDuff, Robert L. McDuff and Andrew J. McDuff as citizens by blood of the Choctaw Nation. Further proceedings were had in the matter of this application at Muskogee, Indian Territory, January 30, 1901.

The evidence in this case further shows that the applicants herein are the children of Charles J. McDuff, a recognized and enrolled citizen by blood of the Choctaw Nation, and Rachel McDuff, a recognized and enrolled citizen by blood of the Creek Nation.

On an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, the name of Mary M. McDuff (as May McDuff), Charles L. McDuff (as Charles McDuff) and Emma McDuff are identified on the 1893 Choctaw leased district pay roll, Tobucksy County, Nos. 590, 588 and 591, respectively, enrolled as citizens by blood of said nation. The names of Mary M. McDuff (as Myrtle M. McDuff), Charles L. McDuff (as Chas. McDuff), Emma McDuff and Robert L. McDuff (as Robt. L. McDuff) are identified on the 1896 Choctaw census roll, Nos. 9201, 9202, 9203 and 9204, respectively, enrolled as citizens by blood of the Choctaw Nation. Applicant Andrew J. McDuff, having been born subsequent to the preparation of the last tribal roll of the Choctaw Nation, is identified by proper affidavits of birth, filed with the Commission and made a part of the record in this case.

It further appears from the evidence in this case that all of the applicants herein were residents in good faith of Indian Territory on June 28, 1898, and had been all their lives prior thereto.

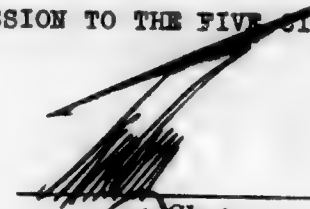

The record herein further shows that at the proceedings had in the matter of this application at Muskogee, Indian Territory, on January 30, 1901, Rachel McDuff appeared before the Commission and under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), elected for her minor children, Mary M. McDuff, Charles L. McDuff, Emma McDuff, Robert L. McDuff and Andrew J. McDuff, to be enrolled and have allotment of lands and distribution of moneys in the Choctaw Nation.

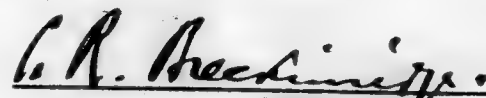
It is, therefore, the opinion of this Commission that Mary M. McDuff, Charles L. McDuff, Emma McDuff, Robert L. McDuff and Andrew J. McDuff should be enrolled as citizens by blood of the

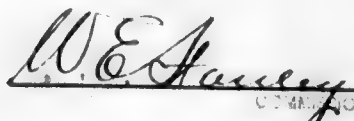
Mary M. McDuff, et al.-2

Choctaw Nation, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Chairman.

COMMISSIONER.


COMMISSIONER.


COMMISSIONER.

Muskogee, Indian Territory,

MAR 26 1903

COPY.

Muskogee, Indian Territory, March 26, 1903.

Charles J. McDuff,

South Canadian, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission rendered March 26, 1903, granting the application made by you for the enrollment of your minor children, Mary M. McDuff, Charles L. McDuff, Emma McDuff, Robert L. McDuff and Andrew J. McDuff as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of the decision in this case and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time, no protest has been filed, the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,
(SIGNED)

Tama Bixby.
Chairman.

Registered.
Mar. 21.

COPY.

Choctaw D-496

Muskogee, Indian Territory, March 26, 1903.

Creek Enrollment Division,

Commission to the Five Civilized Tribes.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission rendered March 26, 1903, granting the application made by Charles J. McDuff for the enrollment of his children, Mary M. McDuff, Charles L. McDuff, Emma McDuff, Robert L. McDuff and Andrew J. McDuff as citizens by blood of the Choctaw Nation.

It appears from the records of the Commission that the applicants are listed for enrollment as citizens of the Creek Nation on Creek roll card No. 636.

Respectfully,

W. B. BIRBY

Wm Bixby

Chairman.

Enc. NEW 13.

COPY.

Chectaw D-498

Muskogee, Indian Territory, March 26, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Chectaw, Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission rendered March 26, 1903, granting the application made by Charles J. McDuff for the enrollment of his children, Mary M. McDuff, Charles L. McDuff, Emma McDuff, Robert L. McDuff and Andrew J. McDuff as citizens by blood of the Chectaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Chectaw Nation. If at the expiration of that time, no protest has been filed, the names of the applicants will be placed upon the final rolls of the citizens of the Chectaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

Registered.
Enc. NW 12.

A RESOLUTION
REQUESTING THE DAWES COMMISSION
TO ENROLL CERTAIN PERSONS
THEREIN NAMED.

WHEREAS, The Dawes Commission by its ruling in the enrollment of Choctaw citizens has decided that the children of women of other Indian blood who who marry a Choctaw citizen, are not entitled to enrollment as Choctaw citizens, but that such issue must take the status and citizenship of the mother, and

WHEREAS, Said ruling will, if adhered to, effect the rights and interests of a number of persons who have in good faith lived among the Choctaw people, who have accumulated property interests in such faith, and who have not heretofore been questioned as to their rights as citizens of this Nation, but who have always been recognized as Choctaw citizens by the authorities of said Nation,
THEREFORE,

BE IT RESOLVED by the General Council of the Choctaw Nation Assembled; That the Dawes Commission is hereby requested to register and to enroll as Choctaw citizens by blood the following named persons, residents of the Choctaw Nation, except those marked inter-married, to wit:

Mary A. Freemy, re-admitted in the Cherokee Nation since 1880, Mother Cherokee; Ella Freemy; Robert C. Freemy; Ellis D. Freemy; all children of R. C. Freemy; and Rufus Talbot, half brother to Freemy Children.

Solomon J. Hower, mother Cherokee Indian; Elancho H. Hower, wife, inter-married; St. Clair Hower, child.

Addie L. Sage, daughter of Chas. Bette, mother Cherokee; John T. Sage; David R. Sage; Charles V. Sage; Wm. V. Sage; Ramsey D. Sage.

Walter Hampton, mother Cherokee, Jane Hampton.

Bertha E. Alsworth, daughter of R. C. Freemy, mother Cherokee; James C. Alsworth, son of James E. Alsworth.

Mary McBuff, Chas. L. McBuff; Emma McBuff; Robt. L. McBuff; A. J. McBuff, children of C. J. McBuff.

Addie McBuff Long, daughter of Nathaniel McBuff.

Felton Garney, mother Greek.

Timothy L. Ward; Chas. A. Ward; Selmy Ward; Cora Ward; Wm. H. Ward, children of J. S. Ward.

Joseph H. Ward, son of W. G. Ward; Minnie Ward, inter-married wife, Agnes Ward,

Martina Fendree, daughter of Eliza Ward and W. G. Ward; Howard Fendree, inter-married husband; Lemie Ann Fendree; Bern Pearl Fendree,

Annie Dunn, daughter of Eliza Ward and W. G. Ward; William G. Dunn; Alfred B. Dunn; Arthur W. Dunn,

Robt. J. Ward, Jr., Ada B. Ward; Irene Ward; Frederick Ward; Gertrude B. Ward; Frank J. Ward, children of Robt. J. Ward,

Martha Ward Culbertson, mother Cherokee, children of Robt. J. Ward; Elijah Ward Culbertson and Georgia O. Culbertson, children of Elijah W. Culbertson,

Gura Ward Smith; Ruth Smith, inter-married husband; Mary F. Smith, Oney Smith,

Oleum Smith, Fannie Smith, infant, children of Freeman Smith,

BE IT FURTHER RESOLVED that a copy hereof be furnished the said Dawes Commission by the National Secretary; and this resolution shall take effect and be in force from and after its passage and approval.

APPROVED October 27th, 1900.

THIS IS TO CERTIFY, That the above and foregoing is a full, true and correct copy of the original Resolution of the Cheate General Council passed at its regular session for October 1900, and approved by the Principal Chief in his official character, the same being now on file in the office of the National of said Nation.

IN TESTIMONY WHEREOF, I, Solomon J. Hauer, have hereunto affixed my official signature and the seal of the Cheate Nation, this the sixth day of December, One thousand Nine Hundred.

(Signed) Solomon J. Hauer,

National Secretary,
Cheate Nation.

Indian Territory
Central District.

South McAlester, Indian Territory June 3, 1903.

Before me the undersigned Notary Public in and for the
Territory and District aforesaid, personally appeared Simon E.
Lewis, who being by me duly sworn deposes and says:

My name is Simon E. Lewis, I am sixty two years of age,
my post office is South McAlester, Indian Territory for the present.
I am chairman of the Choctaw citizenship Commission. I was well
acquainted with C. J. McDuff, deceased and his family. I was not
acquainted with his mother, but was well acquainted with her brother,
Campbell Leflore, Sr. I also knew one of her sisters, Mrs. Arle
Lombard. They were just about half breeded. C. J. McDuff's father
was a white man which would leave C. J. McDuff one fourth Indian.
He married Rachael Gentry who was a Catawba Indian, but she had
been adopted into the Creek Nation and is a recognized citizen
of the Creek Nation. This would leave the children by this marriage
one-eighth Choctaw. Addie Land is C. J. McDuff's oldest daughter.
She married Jack Land. The other children are as follows: Mary M.
McDuff, Charles L. McDuff, Emma McDuff, Robert L. McDuff, Andrew
J. McDuff. They are on the 1893 pay roll, also on the 1896 roll
and have always been recognized by the Choctaws.

(Signed) S. E. Lewis.

Subscribed and sworn to before me this 3rd day of June, 1903.

(SEAL)

(Signed) W. H. Moore.
Notary Public.

9-3452

Muskogee, Indian Territory, May 14, 1908.

Mary M. McDuff,

Canadian, Indian Territory.

Dear Madam:

In the matter of the enrollment of yourself and brothers and sisters, Charles I., Emma, Robert L., and Andrew J. McDuff, you are requested to furnish the Commission at once sworn statement relative to the amount of Choctaw blood possessed by you. This information is desired in the matter of your enrollment and your prompt attention thereto is requested.

Respectfully,

Commissioner in Charge.

7-5662

Muskogee, Indian Territory, July 3, 1903.

Commissioner in Charge,
Choctaw Land Office,
Atoka, Indian Territory.

Dear Sir:

You are hereby advised that the following notation has
this day been made upon original Choctaw enrollment card, No. 5662:

"See copy of affidavit of S. E. Lewis as to
degree of Choctaw blood possessed by Nos. 1
to 5 inclusive filed July 3, 1903."

and opposite the names of Nos. 1 to 5 inclusive the fraction 1/8
has been placed in the column marked "blood".

You are therefore, requested to make like notation upon
entries upon the duplicate card in your possession in accordance with
the above information.

Respectfully,

Commissioner in Charge

7-5661

Muskogee, Indian Territory, July 3, 1903.

Commissioner in Charge,
Chickasaw Land Office,
Tishomingo, Indian Territory.

Dear Sir:

You are hereby advised that the following notation has
this day been placed upon original Choctaw enrollment card, No. 5661:

"See affidavit of Simon B. Lewis as to degree
of Choctaw blood possessed by No. 1, filed
July 3, 1903."

and the fraction 1/8 entered opposite the name of No. 1 in the
column marked "blood".

You are therefore, requested to make like notation
and entries upon the duplicate card in your possession in accordance
with the above information.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, July 2, 1903.

Addie Land,
Canadian, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of June 7, 1903, enclosing the affidavit of E. E. Lewis relative to the degree of Choctaw blood possessed by yourself and the other members of your family, and the same has been duly filed with the records of the Commission in the matter of your application for enrollment as a citizen by blood of the Choctaw Nation, and a certified copy thereof filed in the matter of the application for enrollment of Mary E., Charles L., Emma, Robert L. and Andrew J. McDuff as citizens by blood of the Choctaw Nation.

Respectfully,

Commissioner in Charge

7-5661

7-5662

Muskogee, Indian Territory, July 10, 1903.

Commissioner in Charge,
Chickasaw Land Office,
Tishomingo, Indian Territory.

Dear Sir:

On the 3rd instant this office transmitted copy of notations made that day upon original Choctaw enrollment cards, Nos. 5661 and 5662 with instructions that the same be placed upon the corresponding duplicates in your possession.

Enclosed you will find copies of original Choctaw enrollment cards, Nos. 5661 and 5662 including the notations referred to in our letter of the 3rd instant, and you are requested to enter the same upon the corresponding duplicates in your possession.

Respectfully,

Commissioner in Charge,

Enc. XI, 104

7-2661
7-2662

Muskogee, Indian Territory, July 18, 1903.

Commissioner in Charge,
Chester Land Office,
Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th instant acknowledging receipt of our letter of the 3rd instant advising that certain notations be made upon duplicate Chester enrollment cards, Nos. 8661 and 8662, and you state that said duplicate cards are blank.

Enclosed you will find copies of original Chester enrollment cards, Nos. 8661 and 8662, including the notations referred to in our letter of the 3rd instant. You are requested to enter the same upon the corresponding duplicates in your possession.

Respectfully,

Commissioner in Charge

Enc. 2, 122

Muscogee, Indian Territory,
August 18th, 1900.

Charles L. McDuff,
South Canadian, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cernish, has filed with this Commission a notice of protest to your enrollment and the enrollment of Emma, Robert L., and Andrew J. McDuff as citizens of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

9-D-498.

Muskogee, Indian Territory, September 17, 1900.

Charles J. McDuff,

Canadian Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 15th instant in which you state that in its letter of August 18th, the Commission has omitted the name of your daughter Mary Minerva McDuff, in regard to the protest filed by the Choctaw Nation against yourself and children.

The same will receive the consideration of the Commission and you will be notified in the near future as to the reasons of the omission.

Yours truly,

Acting Chairman.

In reply please
refer to 7-D-498

Mustoge, Indian Territory, September 15, 1900.

Charles L. McBurn,
South Canadian, Indian Territory.

Dear Sir:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The question raised, is as to your Greek blood.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments or questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

SATURDAY, NOVEMBER 18, 1950

**Pioneer Resident
Of Canadian Dies
At Age of 84**

CANADIAN (Special).—Mrs. Rachel Jane McDuff, 24, a resident of this section of the state all her life, died at her home in Canadian this morning following a lingering illness.

Funeral services for the late Mrs. Mary Ann (nee) Smith, 78, of 1234 N. 1st St., will be held at 2 p. m. today at the Central Baptist church with Rev. J. H. Smith officiating. Burial will be in the Madison Mausoleum under the direction of the Central Baptist church.

CHAS. E. WILSON, W. E. Smith,
 Walter Allen Grossman, Joe Smith,
 Ed. Wilson, Nabe Gundersen,
 C. E. Wilson, Jr., Otto McArthur

is survived by wife, Mrs. C. J. Ford, 1011 N. 1st St., St. Paul, Minn.; daughter, Mrs. M. J. Ford, 1011 N. 1st St., St. Paul, Minn.; son, Mr. J. J. Ford, 1011 N. 1st St., St. Paul, Minn.; and son, Mr. J. J. Ford, 1011 N. 1st St., St. Paul, Minn.

"I don't want
to wait to
get to it
this week
to fly in
a day."
Miss, Miss

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Judge Mark Felt

THE

Choctaw 5663

ZORA GARDNER

5663

Transferred from Choc. CARD # D 520
5-6-03

-----o-----
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

The record herein is in the matter of the application for
the enrollment as a citizen by intermarriage of the Choctaw Nation of

ZORA GARDNER,

7 D 520 -
-----o-----

This is certify that I
have this day united in
the Holy Bonds of
Matrimony Willie Gordon
and Miss Sarah McDonald
According to the Law of Choctaw
Nation

this 4th day of Oct
A.D. 1899

Ed. J. Wright
Co. Clerk Judge
of J. & M.

COMMISSIONERS

HENRY L. DAWES.
TAMM SIXBY.
THOMAS B. NEEDLES.
C. R. BRICKINRIDGE.

ALLISON L. AVLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw D-520.

Muskogee, Indian Territory, March 4, 1902.

Zora Gardner,

Bennington, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 12th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Register

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 12, 1902.

.....
:: In the matter of the application ::
:: of Zora Gardner for enrollment as ::
:: a citizen by intermarriage of the ::
:: Choctaw Nation. ::
.....

D-520.

On the 4th day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Zora Gardner for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 12th day of April, 1902, for final consideration.

Now on this 12th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the Choctaw Nation failed to appear, and the attorneys for the applicant or the applicant in person failed to appear.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 12, 1902, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 14 day of April, 1902.

Clara Mitchell
Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Antlers, I. T., December 4th, 1902.

Choctaw D-520
Intermarried

-----oOo-----

In the matter of the application of Zora Gardner for enrollment as an intermarried citizen of the Choctaw Nation.

Zora Gardner being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Zora Gardner.
Q How old are you? A Twenty-one.
Q What is your post office address? A Bennington.
Q How long have you been a resident of the Choctaw Nation?
A Thirteen years.
Q Have you lived here continuously for the past thirteen years?
A Yes sir.
Q Never made your home anywhere else during that time? A No sir.
Q Do you claim intermarried rights in the Choctaw Nation? A Yes sir.
Q What is the name of your Choctaw husband through whom you claim these rights? A William Gardner.
Q Is he a recognized and enrolled citizen of the Choctaw Nation?
A Yes sir.

The applicant's husband William Gardner appears upon the records of the Commission upon Choctaw roll card, field No. 3458, having been listed for enrollment as a citizen by blood of the Choctaw Nation upon the identification of his name on the 1896 Choctaw census roll, Jackson county, No. 4841.

- Q When were you married to William Gardner? A November 4, 1899.
Q About three years ago? A Yes sir.
Q Where was this marriage ceremony performed? A Judge Dwight's.
Q Where is that? A Down at Jackson.
Q At that time were both you and your husband bona fide residents of the Choctaw Nation? A Yes sir.
Q Who performed the marriage ceremony? A Judge Dwight.
Q Were you married under a license, marriage license? A No sir, marriage certificate.
Q Were you ever married before your marriage to William Gardner?
A No sir.
Q Was he ever married before his marriage to you? A No sir.
Q Since that marriage have you lived together continuously as husband and wife up to the present time? A Yes sir.
Q There has been no separation, abandonment or divorce? A No sir.
Q Are you at present living together as actual and bona fide residents of the Choctaw Nation? A Yes sir.

Zora Gardner-----2

Albert G. McMillan being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 4th day of December, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 20 day of January, 1903.

Charles H. Sawyer

Notary Public.

Max

7 D 520 -

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

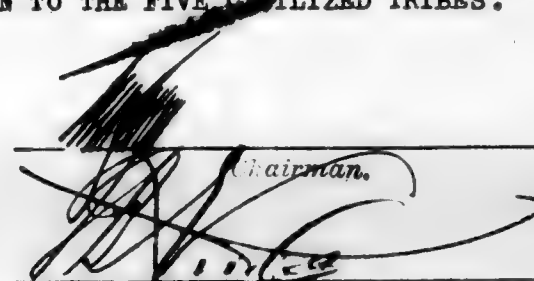
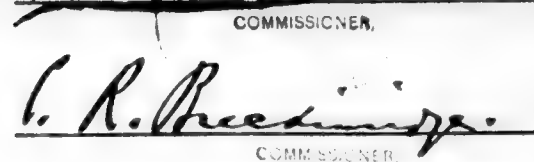
In the matter of the application for the enrollment of
Zora Gardner as a citizen by intermarriage of the Choctaw Nation.

DECISION.

It appears from the record herein that Zora Gardner, on October 4, 1899, was lawfully married to William Gardner, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 9853 upon the lists prepared by this Commission under the act of Congress approved July 1, 1902 (32 Stat., 641) of persons entitled to enrollment as citizens by blood of the Choctaw Nation, and approved by the Secretary of the Interior on February 4, 1903; that at the time of said marriage both persons above mentioned were residents in good faith of the Choctaw Nation, and that they have lived together continuously in said nation as husband and wife from the date of said marriage up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that Zora Gardner should be enrolled as a citizen by intermarriage of the Choctaw Nation in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.

COMMISSIONER.

Muskogee, Indian Territory,

APR 20 1903

COPY.

Choctaw D 526

Muskogee, Indian Territory, April 20, 1903.

Eera Gardner,

Bennington, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission, rendered April 20, 1903, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

respectfully,

(SIGNED).

Tams Dixby.

Chairman.

Registered.

Enc. REV 6

COPY.

Choctaw D 520

Muskogee, Indian Territory, April 20, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered April 20, 1903, granting the application of Ezra Gardner for enrollment as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed the name of the applicant will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED).

Tams Bixby.

Chairman.

Registered.

Enc. XV 9

MEMORANDA.

(Date) Nov 14 1899.

Name

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name, Zora Gardner

Choctaw? yes County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship us

Intermarried citizen? yes

Married under what law?

License filed this day yes

Names of children:

.....	County.....	Year.....	Page.....	No.....
.....	County.....	Year.....	Page.....	No.....
.....	County.....	Year.....	Page.....	No.....
.....	County.....	Year.....	Page.....	No.....
.....	County.....	Year.....	Page.....	No.....
.....	County.....	Year.....	Page.....	No.....
.....	County.....	Year.....	Page.....	No.....
.....	County.....	Year.....	Page.....	No.....
.....	County.....	Year.....	Page.....	No.....
.....	County.....	Year.....	Page.....	No.....

Certificate of marriage dated Oct 4 - 99
She has lived in Territory all of her life

D-520

Choctaw 3644

J. F. Gilstrap

Transferred from Choctaw 512

4-11-63

Commission to the Five Civilized Tribes,
Atoka, I. T., June 8, 1900.
Choctaw R 495

In the matter of the application of John F. Gilstrap for the enrollment of himself and family as citizens of the Choctaw Nation; being sworn and examined by Commissioner Rixey he testifies as follows:

Q What is your name? A John F. Gilstrap.
Q What is your age? A Twenty-nine.
Q What is your post-office address? A Stigler, I. T.
Q Where do you live? A At Stigler, I. T.
Q You make application for enrollment as a Choctaw by intermarriage? A Yes sir.
Q What is the name of your father? A Dan Gilstrap.
Q Is he living? A Yes sir.
Q Is he a citizen of the United States? A Yes sir.
Q What is the name of your mother? A Stinebaugh, was her maiden name.
Q Was she a citizen of the United States? A Yessir.
Q Is she dead? A Yes sir.
Q How long have you lived in the Indian Territory? A Twelve years.
Q Have you been outside of the Indian Territory within the last two years? A No sir.
Q Have you ever been enrolled by the Choctaw Tribal authorities? A Yes sir.
Q On what roll does your name appear? A On the 1896 roll.
Q What county? A Sans Bois County; I don't know whether it was Sans Bois of Skullyville County I was living in when I was enrolled.
Q Did you apply to the Choctaw authorities in 1896 for citizenship? A Yes sir.
Q And you were admitted by the Tribal authorities in 1896? A Yes sir.
Q What is the name of your wife? A Ida.
Q What was her maiden name? A Ida Wilson.
Q Under what law were you married? A Choctaw law.
Q When were you married under the Indian law? A 1893 I believe it was.
Q Have you your marriage license and certificate with you? A Yes sir.
(License and certificate filed.)
Q Where were you living at the time of your marriage? A Skullyville County.
Q Is the name of your wife on the Choctaw rolls? A It is Isaac but they changed it in 1896.
Q To what county does she claim to belong? A Sans Bois County.
Q What is the name of her father? A John H. Wilson.
Q Is he a Choctaw? A No sir.
Q What is the name of your wife's mother? A Sarah Wilson, is her name now.
Q What was her maiden name? A I don't recollect.
Q Is she living? A Yes sir.
Q Is she a Choctaw? A Yes sir.
Q To what county does she belong? A She lives at Harts-horne, Saint's County.
Q What proportion of Choctaw blood does your wife claim? A About one-sixteenth I think; I believe her mother claims one-eighth or a quarter, I don't know which.
Q How did your wife become a citizen of the Choctaw Nation? A By an Act of Council.
Q What year was that Act of Council passed? A I forget now what year.
Q Was your wife a member of the Choctaw Nation, named at the regular session of the Council at Pankashaw, October session, 1890,

John F. Gilstrap et al #2

offered in evidence; on page eleven is found Act #17, an act conferring citizenship on certain persons named, which reads as follows:

"Be it enacted by the General Council of the Choctaw Nation assembled, that Sexton Amos, ~~Madocoma~~ Matt Sukke, Amos Bell, Jimson Bell, John Alusion, Sarah Wilson, Isaac Wilson, Mary Wilson, Eve Wilson, Horace Wilson, Thompson Barney, Isaac Simpson, and Tom Yark, all late of the State of Mississippi, are hereby recognized as citizens of this Nation, and entitled to all the rights, privileges and immunities of citizens of this Nation, and this act shall take effect and be in force from and after its passage.
Approved Oct. 20, 1890.

W. N. JONES, P. C. C. N."

Com'r Bixby: Upon an examination of the law under which you claim citizenship for your wife I find that her name does not appear, but the name of Isaac Wilson appears therein, which I understand you to claim to be a mistake, is that correct? A Yes sir.

Examined by Choctaw Atty Cornish

Q You have examined the original act? A Yes sir.

Q Is the original act the same as this act? A Yes sir.

Q In the original act the name is Isaac? A Yes sir.

Com'r Bixby:

Q Have you any children under twenty-one years of age and unmarried? A Yes sir.

Q Give their names and ages? A Clara, six years old, and then the baby is four months old, its name is Wheeler.

Q You can file a baby affidavit for the youngest one.

(On Choctaw Census roll of 1896, page 113, Shullyville County, is found the name of Ida Gilstrap, 23 years of age, #4670; Clara Gilstrap, two years of age, #4671.

Q I understand your application to be for the enrollment of yourself as an intermarried Choctaw, for your wife and children as Choctaws by blood? A Yes sir.

The enrollment of yourself, your wife and children is refused, for the reason that, in the judgment of the Commission, the name of your wife and your children was placed on the Choctaw rolls without authority of law, and these names will therefore be eliminated from the Choctaw rolls.

Q Is there any additional statement in regard to your case that you desire to make? A No sir, only the papers I have filed.

Com'r Bixby: This testimony, the record and the papers which you have filed will all be forwarded to the Secretary of the Interior for his examination when the rolls are sent to him for final approval.

H. B. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case, and that the foregoing is a full true and complete transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 7 day of June 1900.

Not a Chairman.

Recorded on Page 5th of The Record Book of The
Circuit Court of the 1st Judicial District C. W.
This The 22nd of August 1893
John Taylor
Circuit Clerk



The
No.

Marringe Licence

"Know ye all men by these presents that -
I Jackson Nelson, the Clerk of Gaineses,
Choctaw Nation, do grant Licence to
John T. Gilstrap a Citizen of the
United States. And Miss S. M. Wilson
a Citizen of the Choctaw Nation authorizing
them to enter into the Holy Bonds of -
Matrimony.

this the 16th day of August A.D. 1893
in testimony where of I hereunto affix
my signature and the seal of my Office

"Attest. -

Jackson Nelson.
Clerk of Gaineses.
C. N.

Milton Ind. Ten
Aug 20th 1893

This is to certify that I James K
Howell did this day of our Lord
solemnize the ^{right} of matrimony between
the parties herein named

J. F. Gilstrap of the Town of Milton
County of Seelyville Choctaw nation
Ind Ten age 22 and Miss J. M. Wilson
of the Town of Milton Seelyville
County Choctaw nation Ind Ten
age 19 Today & date of our named
James K. Howell

Minister of the Gospel of the
M. E. Church

My credentials are recorded in
Book A Page 113. With the clerk of
the United States Courts at
McAlister

INTERIOR DEPARTMENT.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE MATTER OF
J.F.GILSTRAP,
IDA GILSTRAP, nee WILSON,
and
CLARA GILSTRAP.
vs
CHOCTAW NATION.

APPLICATION FOR ENROLMENT AS
CITIZENS OF THE CHOCTAW NATION.

TO THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Your petitioners, J. F. Gilstrap, Ida Gilstrap and Clara Gilstrap, respectfully represent that the said Ida Gilstrap is a daughter of Sarah Wilson, that she together with her said mother, and other members of their family were admitted as citizens of the Choctaw Nation by blood by act of the General Council of the Choctaw Nation by act thereof, No. 17, approved October 30th, 1890, but that an error was made in drafting the bill or a typographical error in printing the same, as to which this petitioner is not sufficiently advised, inserting the name, Isaac Wilson, instead of that of Ida Wilson, this petitioner; that there was no Isaac Wilson who made application for citizenship in said bill, and none was intended, but that it was intended to admit this petitioner to citizenship in said Nation, and that for a long time she believed that she was duly admitted and exercised all rights of other citizens in said Nation; said Acts of Council are hereto attached marked exhibit "A".

That when she learned that her name did not properly appear in said act she made application to this Honorable Commission about the month of August, 1896 setting forth all these facts fully; that prior to the making of said application to this Commission, and while she believed that her name properly appeared in said act of Council she was lawfully married, under and according to the laws of the

Choctaw Nation to applicant J. F. Gilstrap, and that there had been at the time of making said application, born to these petitioners, the issue of said marriage, a girl who was at that time two years old, and whose name was also set forth in said application; that all these facts were fully set forth in said application to this Commission, and your Honorable Commission were fully advised of all these facts;

That your Honorable Commission admitted these petitioners to full citizenship under said application about the ---day of ---1896;

That these petitioners have resided in the Choctaw Nation continually since their said admission, in fact since their admittance by the said Choctaw Council in the year 1890; that petitioners appeared before your Honorable body at South McAlester, Indian Territory about the 9th day of September 1899, for enrollment, the said J. F. Gilstrap as a citizen by marriage, and the said Ida Gilstrap and her said Child, Clara, as citizens by blood, were informed by the Commission that their citizenship was refused;

Your petitioners further represent that having been admitted to citizenship in said Nation by this Honorable Commission in the year 1896 as aforesaid there was no necessity for them to appeal to the United States Court for a further adjudication of their matter, as it the decision of your said Commission by its decision granted to these petitioners all the rights, privileges and immunities of other citizens in said Choctaw Nation, and them to full citizenship therein; and having granted them all they asked for in their said application, they aver that they had no right of appeal, if they had been desirous to carry their said cause to the United States Court for a further adjudication, and that said decision of your said Commission became final; that these petitioners were not guilty of any fraud, nor in any way acted in bad faith in said cause, but endeavored to fully set forth all facts and circumstances in that behalf, to your Honorable body. See also exhibits A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, and inclusive.

Wherefore your petitioners pray that their names be placed upon

you Honorable Commission.

J. J. Oilytray.

Subscribed and sworn to before me this 15th day of November 1899.

M. H. Cunningham.

Notary Public.

An act conferring citizenship on certain persons named.

Be it enacted by the General Council of the Choctaw Nation assembled that Amos Sexton, Mat Sukke, Amos Bell, Jinson Bell, John Alusion, Ida Sarah Wilson, Isaac Wilson, Mary Wilson, Eve Wilson, Horace Wilson, Thompson Barney, Isaac Simpson, and Tom Yark, all late of the State of Mississippi, are hereby recognized as citizens of this Nation, and entitled to all the rights, privileges and immunities of citizens of the Nation, and this act shall take effect and be in force from and after its passage.

Approved Oct. 30th, 1890

W. H. Jones, P.C.C.N.

INDIAN TERRITORY.
CENTRAL DISTRICT.

Sarah Wilson being duly sworn states:

I reside at Hartshorne, Choctaw Nation, Indian Territory. I am a citizen of the Choctaw Nation by blood, having been admitted as such by an act of council in an act for that purpose number 17, approved October 30th 1890;

A number of others were admitted at the same time, and among them were my children, Ida Wilson, Mary Wilson, Haurace Wilson ~~and Eva Wilson~~ *and Eva Wilson*

I find in the printed acts ~~the name of Isaac Wilson instead of Ida Wilson. There was no Isaac Wilson who made application for citizenship at that time, and I know that that name was intended for my said daughter, Ida. I gave all my children's names to the draftsman, and he must have made the mistake. I do not remember who the draftsman was at that time, but I do know that I gave him the name of Ida Wilson, and not that of Isaac.~~

For a long time we believed that her name appeared in that act of council as admitted to citizenship in this nation. She has exercised all the rights of other citizens ever since that time. The Choctaw authorities recognized her right and gave her license to marry a citizen of the United States, J.P. Gilstrap, which she did, and with whom she has ever since lived in the Choctaw Nation.

My right, nor the right of the other members of my family, who were admitted at the same time, has never been questioned, and we have all exercised all the rights of Choctaw citizens, and have been enrolled as such citizens by the Commission to the Five Civilized Tribes.

Sarah Wilson

Subscribed and sworn to before me this 11 day of December 1899.

Robert W. Higgins
Notary Public.

"B"

Sealed in my presence this
19th day of December 1899,

L. F. Lewis
& Henry Quill
Milton

Ind. Sup.
Conv. Exp. P. 10

Affidavit of
A. P. Folsom
To
Ida Gilstrap

Affidavit

U.S. of America, Central Dist., Ind. Ter.

Personally appeared before me a Notary within and for the above Judicial Dist. known to be a truthful and credible person, A.P. Folsom and states as follows:

I was a member of the Choctaw Council for the year 1890, representing Shullyville County in the lower house and well remember the names of the Sarah Wilson family before the Council for acceptance as citizens of the Choctaw Nation, and understood their oldest child's (girls) name to be "Ida" and not "Isaac" as shows upon the records of the Choctaw Nation. Shortly after Council I became personally acquainted with the Sarah Wilson family and knew her daughter by name "Ida" and she is now known as "Ida" (Ida Gilstrap).

I am satisfied the mistake is a typographical error and not as purposed by the original bill for their acceptance. Witness my hand and seal this 10th day of December 1899. A.P. Folsom.

Affidavit of

Jno. W. Lefflor

Cyrus B. Ward

to

Ida Gilstrap.

Sealed in my presence this
16th day of December 1899

J. L. Lewis,
Notary Public,
Com. Exp. April 1901
Milton, Ind. Ty.

Affidavit

U.S. of America, Central Dist. Ind. Twp,

Personally appeared before me a Notary for the above Dist. Geo. W. Lellon and Cyrus B. Ward known to me to be truthful and credible citizens, and stated upon oath as follows;

We have been acquainted with the Sarah Wilson family for 7 years and 9 years respectively and always knew their eldest child (daughter) by name "Ida" and not "Isaac" as appears upon the Choctaw Records. There was no member of the family by name "Isaac" since we have known the family.

Ida is their oldest daughter and child and we are well satisfied that the mistake is a typographical error and not the purpose in the original bill for their acceptance.

Witness our hands & seals this 16th of December 1899

J. M. Lellon
C. B. Ward

Wilson

"C"

I was Clerk of the District Court of the 1st Judicial District, Choctaw Nation at that time and recorded the Marriage license and Certificate of said Marriage. I am well acquainted with all the facts as herein stated and never heard of Isaac Wilson, nor ever heard of the girl being called by any other name than Ida, and that all the parties herein named except John H. Wilson is now and have been ever since they were admitted to citizenship on the 30th day of October 1890 and since the Marriage of the said J. H. Silstrap to said Ida Wilson been considered citizens of the Choctaw Nation, any further I know not.

John Taylor

Sworn to and Subscribed before me this the 28th day of December 1899.

Chas. V. Self

Notary Public.

my commission expires February 24th 1902

Indian Territory
Central District

On this the 28th day of December 1899 personally appeared before me Charles W. Self of Hoyt Indian Territory a Notary Public within and for the United States Court for the District and Territory aforesaid, John Taylor to me well known who after being duly sworn says. My name is John Taylor. My Post Office is Hoyt Ind Ter. My age is 53 years. I am a Choctaw Indian by blood and I am holding the office of County Judge of Sans Bois County Choctaw Nation. I have been well acquainted with John. H. Wilson. Sarah Wilson his wife. And their children Ida Wilson. Mary Wilson. Eva Wilson ^{and} Horace Wilson for about eleven years, also one younger child named Kelly Wilson. And that on the 30th day of October 1890 the said Sarah Wilson and her children Lewis. Ida Wilson. Mary Wilson. Eva Wilson and Horace Wilson was admitted to citizenship in the Choctaw Nation by an act of the General Council thereof. But by some mistake or accident in drawing up the bill or in the printing the said Ida Wilson (being a girl) name was inserted in the Law book as Isaac Wilson (a boys name) which is an error and stand so to this day. And that about the month of August 1894 (if I mistake not) one J. H. Kilstrap a United States Citizen taken out a license and married the said Ida Wilson according to the Laws of the Choctaw Nation.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of J. F. Gilstrap for enrollment as an intermarried citizen of the Choctaw Nation and for enrollment of his wife and two minor children as citizens by blood of the Choctaw Nation.

The applicant, J. F. Gilstrap, appeared before the Commission at Atoka, Indian Territory, June 5th, 1900 and from his oral testimony given at that time on behalf of his claim for enrollment as an intermarried citizen of the Choctaw Nation and for enrollment of his wife, Ida Gilstrap and two minor children, Clara and Wheeler Gilstrap as citizens by blood of the Choctaw Nation.

It appears from the evidence in this case that the applicant claims his right to enrollment as an intermarried citizen and the enrollment of his wife, Ida Gilstrap and his children, Clara and Wheeler Gilstrap, as citizens by blood of the Choctaw Nation, by reason of an action of the Choctaw Council approved October 20th, 1890, claiming to admit his right to citizenship in the Choctaw Nation. That his wife's name is Ida and that in the Act of Council offered in evidence she claims to be the party admitted under the name of "Isaac Wilson."

The Commission is unable to identify the Ida Gilstrap formerly Ida Wilson as being the same party as the Isaac Wilson admitted by the Act of the Choctaw Council above referred to.

The name of Ida Gilstrap is also found on the 1896 Census Roll of the Choctaw Nation of Skullyville Township and the name of her child, Clara Gilstrap.

It is the opinion of the Commission that such enrollment of Ida Gilstrap and her children was without authority of law and their names should not have been placed on such Census Roll of the Choctaw Nation.

It is therefore the judgment of the Commission that the application for enrollment as an intermarried citizen of the Choctaw Nation of J. F. Gilstrap and the application made on behalf of Ida Gilstrap, his wife, and his children, Clara and Wheeler Gilstrap, be and the same is hereby refused for the reason that Ida Wilson and Isaac Wilson cannot be identified as the same party as claimed by the act of the Choctaw Council approved October 20th, 1890 and for the further reason that name of Ida Gilstrap and her children were upon the 1880 Census roll of the Choctaw Nation, are without authority and that their names be eliminated from such Choctaw roll.

BY THE COMMISSION.



Acting Chairman.

Muskogee, Indian Territory, August 28th, 1900.

Department of the Interior,
Commission to the Five Civilized Tribes,
Hearings, I. T. Oct. 25, 1900.

In the matter of the application of John F. Gilstrap for the enrollment of himself as an intermarried citizen and his wife, Ida Gilstrap and his children, Clara and Wheeler Gilstrap as citizens by blood of the Choctaw Nation. John F. Gilstrap being duly sworn by the Commissioner testified as follows:

Examination by the Commission.

- Q What is your name? A John Franklin Gilstrap.
Q What is your age? A Twenty nine.
Q What is your post-office address? A Stigler, Indian Territory.
Q Are you a resident of the Indian Territory? A Yes sir.
Q How long have you resided in the Indian Territory? A Ten years, ten or eleven.
Q Have you maintained a continuous residence here for that time? A Yes sir.
Q You are making application for the enrollment of yourself as an intermarried citizen of the Choctaw Nation? A Yes sir.
Q And for the enrollment of your wife, Ida Gilstrap and two children, Clara and Wheeler Gilstrap as citizens by blood of the Choctaw Nation? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation? A Yes sir.

The name of the applicant appears upon the 1896 census roll of citizens of the Choctaw Nation as Jno. Gilstrap, 25 years of age, an intermarried citizen, residence given as Skullyville County, Choctaw Nation, page 133 No. 14558.

- Q The name of your wife, Ida Gilstrap, or either of your children on the 1896 Census roll of the Choctaw Nation? A Yes sir.

The name of Ida Gilstrap appears upon the 1896 Census roll, Choctaw Nation, 25 years of age, residence Skullyville County, page 113, No. 4670. The name of her daughter, Clara Gilstrap, 8 years of age appears upon the 1896 Census roll of citizens of the Choctaw Nation, page 113 No. 4671.

- Q You have a child named Wheeler, have you not? A Yes sir.
Q Have you any other children besides Clara? A Yes sir, Wheeler.
Q When was Wheeler born? A The first of January; the first of January or first of February I forget now.
Q Have you evidence of the birth of that child? A Yes sir.
Q Have you a birth certificate? A It is there. I sent it to you after I went back from there.
Q He was born the first of January, 1900. How did your wife become a citizen of the Choctaw Nation? A By act of Council.
Q She was admitted as a wife of the national Council of the Choctaw Nation, was she? A Yes sir.
Q What was her father's name? A Sarah Wilson.
Q What was her mother's name? A I don't know.
Q Was his name John F. Wilson? A That is her husband, yes sir.
Q Has she been married before? A No sir.
Q Well then, what was your wife's father's name? A Yes sir.

Joh n F. Gilstrap 2

Q When was your wife admitted to citizenship in the Choctaw Nation? A I forget the date now. In 1890 I believe.

The laws of the Choctaw Nation passed at the regular session of the Council at Tushkahomma, October session of 1890, offered in evidence and on page 11 is found act 17, an act conferring citizenship on certain parties named, which reads as follows:
"Be it enacted by the General Council of the Choctaw Nation assembled, that Sexton Ames, Mat Sukke, Ames Bell, Jimson Bell, John Alusion, Sarah Wilson, Isaac Wilson, Mary Wilson, Eve Wilson, Horace Wilson, Thompson Barney, Isaac Simpson, and Tom Yark, all late of the State of Mississippi, are hereby recognized as citizens of this Nation, and entitled to all the rights, privileges and immunities of citizens of this Nation, and this act shall take effect and be in force from and after its passage. Approved October 30, 1890. W. N. Jones, P. C. C. N."

Q Is your wife's mother, Sarah Wilson an enrolled citizen of the Choctaw Nation? A Yes sir.

Q She is living now? A Yes sir.

Q Has she been enrolled by this Commission as a citizen of the Choctaw Nation? A Yes sir.

Q Was she enrolled in pursuance of the act of Council admitting her to citizenship which has just been read? A Yes sir.

Q The claim of your wife's mother and her sisters and brothers to citizenship in the Choctaw Nation was under this act of Council admitting your wife? A Yes sir.

The name of Ida Gilstrap's mother, Sarah Wilson, appears upon the 1896 Census roll of the Choctaw Nation, page 336 No. 12834 and she is also listed for enrollment by this Commission as a citizen of the Choctaw Nation on roll card, field No. 3216, together with her two daughters, Mary and Eva and her two sons Horace and Kelly B.

The Commission on August 28th, 1900, rendered a decision refusing the application of J. F. Gilstrap and of his wife and his two minor children, Clara and Wheeler, as citizens of the Choctaw Nation for the reason that the Commission was unable to identify the Ida Gilstrap, the wife of the applicant, formerly, Ida Wilson, as being the same party who was admitted to citizenship by act of Council of October 30th, 1890 under the name of Isaac Wilson.

Q Did Sarah Wilson ever have a child by the name of Isaac Wilson? A No sir.

Q Was there any Isaac Wilson in that application made to the National Council at the time Sarah Wilson appeared for citizenship in the Choctaw Nation to the Choctaw authorities? A No sir.

Q Have you ever seen the original of the act admitting your wife's mother and her children to citizenship in the Choctaw Nation? A The National Secretary roll?

Q Yes sir. A Yes sir.

Q How does that name appear there? A Isaac.

Q In the original act it appears as Isaac? A Yes sir.

Q The original application was made now, Isaac or Ida? A

She said that they never could find that no more. Mrs. Wilson said she said Ida and they put it down Isaac.

Q How were those applications made to the National Council in 1890? A I don't know.

J F Gilstrap 3

Q Did Mrs. Wilson go before the citizenship committee at Tashkahomma? A Yes sir.

Q Did she present a written application or oral? A She went before the examining board and they took the names down.

Q From her oral statement? A Yes sir.

Q And they introduced the names before the Council? A Yes sir.

Q And presented the names in that manner? A Yes sir.

Q Did Mrs. Wilson present an original application to the Choctaw authorities in 1890 with the names of her children thereon?

A I don't know whether she did or not. I don't know.

Q It was not customary to present written applications at that time was it? A I don't know. All I know about that is just what she told me about it after it came up and after they got that book they noticed the name was wrong and they told them about it and they said it didn't make no difference and in 1896 we told them about it and they said it didn't make no difference and they changed it and put it down Ida.

Q That was when the citizenship commission were making the roll in 1896? A Yes sir.

Q Did they identify your wife, Ida Gilstrap, as the same party who was admitted to citizenship in 1890 as Isaac Wilson?

A Yes sir.

Q Do you remember the circumstances? A Yes sir.

Q Now when your wife was enrolled as Ida Gilstrap, state the circumstances under which she was enrolled as a citizen of the Choctaw Nation? A When we went to enroll -

Q Where did you go? A Bokeshe.

Q To whom? A The Indian board.

Q Do you remember any of them? A Tom Sexton, Silas James.

Q Wasn't Judge Simon Lewis Chairman of that enrolling committee at Bokeshe? A No sir.

Q Tandy Walker? A No sir. There was three, Tom Sexton, Silas James and another one of the James, I forget his name. They wasn't no kin though. Adam James I believe it was.

Q Was your wife always recognized by the tribal authorities of the Choctaw Nation as a citizen? A Yes sir.

Q Her rights to citizenship in the Choctaw Nation were never questioned by any of the authorities of the Choctaw Nation after that act of Council in 1890? A After that that they claimed that Mrs. Wilson and all of them that the right wasn't good.

Q Who claimed that? A Just the Choctaw citizens. They never did take no appeal. Some of them just told it around that she wasn't a citizen.

Q The act of Council of October, 1890 was never appealed from was it? A No sir.

Q Has there ever been any subsequent action by the Choctaw authorities as to her citizenship? A No sir, just only the talk.

Q No action was ever taken before any of the legally constituted authorities? A No sir.

Q Did you or did any one in your behalf make application to this Commission in 1896 for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896? A Yes sir, I made application for myself and my children and notified the Commission about this mistake and I never did hear anything more about it.

Q That was in 1896? A Yes sir in '96.

Q You made application at that time for citizenship of yourself as an intermarried citizen and your daughter Clara, and your son Fred, as citizens by blood? A Yes sir.

Record of the Commission examined, 1896 citizenship docket C, page 243 Choctaw case 243, J. F. Gilstrap et. al vs the Choctaw Nation. Original application was filed September 5th, 1896. Answer of the Choctaw Nation filed thereto and on December 2nd, 1896, the

J. F. Gilstrap 4

Commission admitted J. Frank Gilstrap as an inter-married citizen and Clara Gilstrap, aged two years and Fred Gilstrap aged eight months as citizens by blood of the Choctaw Nation. There is no record of any appeal having been taken from the decision of the Commission.

Q When you made your application in 1896 as an intermarried citizen and on behalf of your children, Clara and Fred as citizens by blood of the Choctaw Nation, you claimed through your wife, Ida Gilstrap? A Yes sir.

Q You recited in that original petition that was presented to the Commission at that time the fact that she was admitted by act of Council of October 30th, 1900? A Yes sir, I told them about how her name was. That they had found Isaac but it ought to be Ida.

Q Where is Fred Gilstrap? A He is dead.

Q When were you married to Ida Wilson? A In 1893 I think it was.

Q Married to her in compliance with the laws of the Choctaw Nation? A Yes sir.

There is on file with the records of the Commission the original marriage license and certificate under the laws of the Choctaw Nation of John F. Gilstrap and Miss I. M. Wilson.

In the answer of the Choctaw Nation filed with the application of J. Frank Gilstrap for the citizenship of himself and his two children, Clara and Fred, as citizens of the Choctaw Nation under the act of June 10th, 1896, its attorneys, Stuart/Gordon & Hailey state in their answer that there is no evidence that this claim has ever been disputed by the Choctaw Nation.

Myra Young, having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 25th day of October, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young

Subscribed and sworn to before me this 27th day of October, 1900.

Guys L. Emerson
Notary Public.

IN RE

Application for Enrollment of

INFANT CHILD

Wheeler Gilstrap

as a citizen of the

Choctaw Nation.

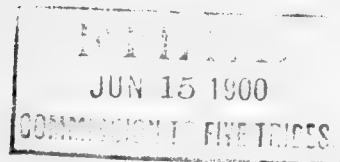
REFUSED.

Approved.

190

JUN 15 1900

Commissioner.



REFUSED.

JUN 15 1900

Choctaw
R. 495.See record of
Gilstrap in L. 464
3 June 15 1900

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the *Choctaw* Nation,
 of *Wheeler Gilstrap*, born on the *2* day of *February*, 1900
 (Here insert name of child.)
 Name of Father: *J. F. Gilstrap*, a citizen of the *Choctaw* Nation.
 Name of Mother: *Ida Gilstrap*, a citizen of the *Choctaw* Nation.
 Postoffice, *Stigler Ind. Ter*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,)

INDIAN TERRITORY.

Central

District.)

I, *Ida Gilstrap*, on oath state that I am *27*years of age and a citizen, by *blood*, of the *Choctaw* Nation;that I am the lawful wife of *J. F. Gilstrap*, who is a citizen, by
intermarriage, of the *Choctaw* Nation; that a *male* child was
 (male or female)born to me on the *2* day of *February*, 1900; that said child has beennamed *Wheeler Gilstrap*, and is now living.

WITNESSES TO MARK:

Ida Gilstrap(Must be Two
Witnesses.)

Subscribed and sworn to before me this

9 day of *June*, 1900
J. S. Stigler
 NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,)

INDIAN TERRITORY.

Central

District.)

I, *J. D. Murphy*, a *Physician*, on oath state that Iattended on Mrs. *Ida Gilstrap*, wife of *J. F. Gilstrap*,on the *2* day of *February*, 1900; that there was born to her onsaid date a *male* child; that said child is now living and is said to have beennamed *Wheeler Gilstrap*
 (male or female)

WITNESSES TO MARK

J. D. Murphy M.D.(Must be Two
Witnesses.)

Subscribed and sworn to before me this

9 day of *June*, 1900
J. S. Stigler
 NOTARY PUBLIC

CHOCTAW.

20

IN RE

Application for Enrollment of

INFANT CHILD

Wheeler Gilstrap

as a citizen of the

CHOCTAW

Nation.

Approved,

NOV - 6 1900

1900



Commissioner.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 6 1900



ACTING CHAIRMAN.

CHOCTAW.

D. 586.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Wheeler Gilstrap, born on the 2 day of Feb, 1900
(Here insert name of child.)
Name of Father: J. Frank Gilstrap citizen of the _____ Nation.
Name of Mother: Ida Gilstrap, a citizen of the Choctaw Nation.
Post-office, Stigler and Per

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY. }
Central District. }

I, Ida Gilstrap, on oath state that I am 27
years of age and a citizen, by Blood, of the Choctaw Nation;
that I am the lawful wife of J. Frank Gilstrap, who is a citizen, by
Marriage, of the Choctaw Nation; that a male child was
(male or female)
born to me on the 2 day of Feb, 1900; that said child has been
named Wheeler Gilstrap, and is now living.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 2 day of Nov, 1900.

J. S. Stigler
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY. }
Central District. }

I, J. D. Murphy, Physician, on oath state that I
attended on Mrs. Ida Gilstrap, wife of J. Frank Gilstrap
on the 2 day of February, 1900; that there was born to her on
said date a male child; that said child is now living and is said to have been
(male or female)
named Wheeler Gilstrap.

WITNESSES TO MARK:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 2 day of Nov, 1900.

J. S. Stigler
NOTARY PUBLIC.

79586.

INDEXED

IN RE

Application for Enrollment of

INFANT CHILD

Luke Gilstrap

as a citizen of the

Choctaw

Nation.

Approved.

DEC 23 1902

[Signature]
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

DEC 23 1902

[Signature]
ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Chactaw Nation,
of Luke Dilstrap, born on the 13 day of July, 1902.
(Here insert name of child.)
Name of Father: J. H. Dilstrap, a citizen of the Chactaw Nation.
Name of Mother: Eda Dilstrap, citizen of the Chactaw Nation.
Post-Office: Stigler

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, Eda Dilstrap, on oath state that I am 29
years of age and a citizen, by Blood, of the Chactaw Nation;
that I am the lawful wife of J. H. Dilstrap, who is a citizen, by
Mamag, of the Chactaw Nation, that a male child was
(Male or female.)
born to me on the 13 day of July, 1902; that said child has been
named Luke Dilstrap, and is now living.

WITNESSED TO MAKE:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 17 day of Dec, 1902.

R. S. Alexander Notary Public.

My Commission Expires Dec 20 - 1906

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, Frank A. Fannin, a Regular M.D., on oath state that I
attended on Mrs. Eda Dilstrap, wife of J. H. Dilstrap,
on the 13 day of July, 1902; that there was born to her on said
date a male child; that said child is now living and is said to have been
(Male or female.)
named Luke Dilstrap.

WITNESSED TO MAKE:

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 17 day of Dec, 1902.

R. S. Alexander Notary Public.

COMMISSIONERS

HENRY L. DAWES,
TAMM SIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw D-586

Muskogee, Indian Territory, March 4, 1902.

J. F. Gilstrap,

Stigler, Indian Territory.

You are hereby notified that the application of yourself, your

wife Ida, and your two minor children, Clara and Wheeler Gilstrap
for enrollment as citizen^s of the Choctaw Nation will be taken
up for final consideration by the Commission to the Five Civil-
ized Tribes, at its office in Muskogee, Indian Territory, on
the 14th day of April, 1902.

On said date you may, if you desire, appear before the Commis-
sion in person or by attorney when an opportunity will be given
you to introduce any additional testimony affecting said appli-
cation which you may think proper or necessary.

You are further notified that the representatives of the
Choctaw Nation will also, at the same time, be afforded an op-
portunity to introduce testimony affecting your right to en-
rollment, but said representatives will be required to notify
you of their intention to introduce such testimony before they
will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

Register.

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 14, 1902.

.....
In the matter of the application of
J. F. Gilstrap for the enrollment of
himself as a citizen by intermarriage
of the Choctaw Nation, and for the en-
rollment of his wife, Ida Gilstrap, and
his two minor children, Clara and Wheeler
Gilstrap, as citizens by blood of the
Choctaw Nation.
.....

D-586.

On the 5th day of March, 1902, the principal applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of J. F. Gilstrap for the enrollment of himself, his wife and children as members of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, April 14, 1902, for final consideration.

Now on this 14th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the principal applicant J. F. Gilstrap appeared in person and submitted his case upon the evidence and record as now made up, and the Choctaw Nation failed to appear.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 14, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 16th day of April, 1902.

Hal Belford
Charles H. Wood
Notary Public

Department of the Interior
Commission to the Five Civilized Tribes
Wister I T December 18th 1902

Choctaw D-586
Intermarried

-----000-----

In the matter of the application of J. F. Gilstrap for enrollment as an intermarried citizen of the Choctaw Nation.

J. F. Gilstrap being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A J. F. Gilstrap.
Q How old are you? A Thirty-one.
Q What is your post office address? A Stigler.
Q How long have you been a resident of the Choctaw Nation?
A About thirteen years.
Q Have you lived here continuously for the past thirteen years?
A Yes sir.
Q Never made your home anywhere else during that time? A No sir.
Q Do you claim intermarried rights in the Choctaw Nation? A Yes sir.
Q What is the name of your Choctaw wife through whom you claim these rights? A Ida Wilson.
Q Is she a recognized and enrolled citizen of the Choctaw Nation?
A Well, she is just like I told you a while ago; they had her name down Isaac and it ought to have been Ida.
Q She was admitted by the Choctaw Council under the name of Isaac?
A Yes sir.
Q When were you married to Ida Wilson? A '93.
Q Where was this marriage ceremony performed? A Milton.
Q At that time were both you and your wife bona fide residents of the Choctaw Nation? A Yes sir.
Q Were you married in accordance with the tribal law? A Yes sir.
Q Did you obtain a tribal license? A Yes sir.
Q From whom did you get that license? A I got them in Gaines county; I got the license in Gaines county.
Q How much did you pay for that license? A \$100.
Q Who performed the marriage ceremony? A Parson Howe.
Q Were you ever married previous to your marriage to Ida Wilson?
A No sir.
Q Was she ever married previous to her marriage to you? A No sir.
Q Since that marriage have you lived together continuously as husband and wife up to the present time? A Yes sir.
Q There has been no separation of any kind whatsoever? A No sir.
Q Are you at present living together as actual and bona fide residents of the Choctaw Nation? A Yes sir.
-

J. F. Gilstrap-----2

Albert G. MacMillan being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 18th day of December, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. MacMillan

Subscribed and sworn to before me this 29 day of January, 1903.

Charles H. Sawyer
Notary Public.

(C O P Y.)

Birth Affidavit.

20

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Choctaw Nation, of Luke Gilstrap, born on the 13 day of July, 1902
Name of Father: J. F. Gilstrap, a citizen of the Choctaw Nation.
Name of Mother: Ida Gilstrap, a citizen of the Choctaw Nation.
Post Office: Stigler.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,)
Indian Territory,)
Central District.)

I, Ida Gilstrap, on oath state that I am 29 years of age and a citizen, by Blood, of the Choctaw Nation; that I am the lawful wife of J. F. Gilstrap, who is a citizen, by marriage, of the Choctaw Nation, that a male child was born to me on the 13 day of July, 1902; that said child has been named Luke Gilstrap, and is now living.

IDA GILSTRAP.

Subscribed and sworn to before me this 17 day of Dec. 1902.

My Commission Expires Jan. 20, 1906. R. S. ALEXANDER,
Notary Public, (SEAL)

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,)
Indian Territory.)
Central District.)

I, Frank A. Fannin, a regular M. D., on oath state that I attended on Mrs. Ida Gilstrap, wife of J. F. Gilstrap, on the 13 day of July, 1902; that there was born to her on said date a male child; that said child is now living and is said to have been named Luke Gilstrap.

FRANK A. FANNIN, M. D.

Subscribed and sworn to before me this 17 day of Dec. 1902.

(SEAL) R. S. ALEXANDER,
Notary Public.

Endorsed as follows:

20

7 D 586 INDEXED

IN RE Application for Enrollment of INFANT CHILD Luke Gilstrap as a citizen of the Choctaw Nation.

Approved DEC 23, 1902

Tams Bixby, Commissioner.

-----o-----

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

F I L E D

DEC 23 1902

Tams Bixby, Acting Chairman.

L. Q. D. *[Signature]*
7-D-586

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of J. F. Gilstrap as a citizen by intermarriage, and for the enrollment of Ida Gilstrap, Clara Gilstrap, Wheeler Gilstrap and Luke Gilstrap, as citizens by blood, of the Choctaw Nation.

- D E C I S I O N -

It appears from the record herein that J. F. Gilstrap appeared before the Commission at Atoka, Indian Territory, June 5, 1900, and made personal application for the enrollment of himself, as a citizen by intermarriage, and for the enrollment of his wife, Ida Gilstrap, and his two minor children, Clara Gilstrap and Wheeler Gilstrap, as citizens by blood, of the Choctaw Nation. Further proceedings were had in the matter of this application at Muskogee, Indian Territory, October 25, 1900, and in the matter of the application for the enrollment of J. F. Gilstrap as a citizen by intermarriage of the Choctaw Nation at Wister, Indian Territory, December 18, 1902. On December 23, 1902, written application was made to the Commission for the enrollment of Luke Gilstrap, infant child of J. F. Gilstrap and Ida Gilstrap, as a citizen by blood of the Choctaw Nation, proper proof of the birth of said child on July 13, 1902, being filed with the Commission on the date of said application.

The evidence in this case further shows that the applicant Ida Gilstrap is the daughter of John H. Wilson, a non-citizen white man, and Sarah Wilson, a recognized and enrolled citizen by blood of the Choctaw Nation; that on October 30, 1890, said Ida Gilstrap, under the name of "Isaac Wilson", was admitted, with others, to citizenship in the Choctaw Nation by an Act of the Choctaw General Council (copy attached hereto); that applicant J. F. Gilstrap, on August 20, 1893, was married in accordance with the laws, customs and usages of the Choctaw Nation to the said Ida Gilstrap (nee Wilson), and that the minor applicants herein are the offspring of said union.

It further appears from the records in the possession of the Commission that on September 5, 1896, in the case entitled "J. Frank Gilstrap, et al. vs. the Choctaw Nation (1896 Choctaw Citizenship Docket, Case No. 263)", the applicant J. F. Gilstrap made original application to this Commission under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321) for the admission of himself to citizenship in the Choctaw Nation, claiming his right thereto by virtue of his marriage with the said Ida Wilson, and for the admission of his two minor children, Clara Gilstrap and Fred Gilstrap (since deceased) as citizens by blood of the Choctaw Nation, and on December 2, 1896, the said J. F. Gilstrap was by this Commission admitted to citizenship in the Choctaw Nation as a citizen by

J. F. Gilstrap, et al.-2


intermarriage, and the said Clara Gilstrap and Fred Gilstrap were admitted as citizens by blood, of said nation, from which decision of the Commission no appeal was taken. Applicants Wheeler Gilstrap and Luke Gilstrap were born subsequent to the date of said admission and they are identified by proper proof of birth, which is filed with the record herein.

It further appears from the evidence submitted that applicant Ida Gilstrap was a resident in good faith of Indian Territory on June 28, 1898, and had been for more than five years prior thereto; that the minor applicants herein were born in Indian Territory and have always lived in said Territory, and that applicant J. F. Gilstrap has lived continuously in the Choctaw Nation with his Choctaw wife, Ida Gilstrap, since the date of his marriage in said nation up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that J. F. Gilstrap should be enrolled as a citizen by intermarriage, and Ida Gilstrap, Clara Gilstrap, Wheeler Gilstrap and Luke Gilstrap should be enrolled as citizens by blood, of the Choctaw Nation, under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495) and July 1, 1902 (32 Stats., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Chairman.
COMMISSIONER


COMMISSIONER


COMMISSIONER

Muskogee, Indian Territory,

MAR 26 1903

INTERIOR DEPARTMENT.

COMMISSION TO FIVE TRIBES.

IN THE MATTER OF
J.F. GILSTRAP,
IDA GILSTRAP, nee WILSON,
and
CLARA GILSTRAP,

VS.

APPLICATION FOR ENROLLMENT AS CITIZENS
OF THE CHOCTAW NATION.

CHOCTAW NATION.

TO THE HONORABLE COMMISSION TO THE FIVE TRIBES:

Your petitioners, J.F. Gilstrap, Ida Gilstrap and Clara Gilstrap, respectfully represent that the said Ida Gilstrap is a daughter of Sarah Wilson, that she together with her said mother, and other members of their family were admitted as citizens of the Choctaw Nation by blood by act of the General Council of the Choctaw Nation by act thereof, No. 17, approved October 30th ~~1890~~ 1890, but that an error was made in drafting the bill or a typographical error in printing the same, as to which this petitioner is not sufficiently advised, inserting the name, Isaac Wilson, instead of that of Ida Wilson, this petitioner; that there was no Isaac Wilson who made application for citizenship in said bill, and none was intended, but that it was intended to admit this petitioner to citizenship in said nation, and that for a long time she believed that she was duly admitted, and exercised all the rights of other citizens in said nation; *Just*
acts of Council are hereto attached, marked exhibit "A"

That when she learned that her name did not properly appear in said act she made application to this Honorable Commission about the month of August, 1896 setting forth all these facts fully; that prior to the making of said application to this Commission, and while she believed that her name properly appeared in said act of council she was lawfully married, under and according to the laws of the Choctaw Nation to applicant J.F. Gilstrap, and that there had been at the time of making said application, born to these ~~petitioners~~ petitioners, the issue of said marriage a girl child who ~~was~~ was at that time two years old, and whose name was also set forth in said application; that all these facts were fully set forth in said application to this Commission, and your Honorable Commission were fully advised of all these facts;

That your Honorable Commission admitted these petitioners to full citizenship under said application about the ____ day of ____ 1896;

That these petitioners have resided in the Choctaw Nation, continually since their said admission, in fact since their admittance by the said Choctaw Council in the year 1890; that petitioners appeared before your Honorable body at South McAlester, Indian Territory about the 9th day of September 1899, for enrollment, the said J.F. Gilstrap as a citizen by marriage, and the said Ida Gilstrap and her said child, Clara, as citizens by blood, and were informed by this Commission that their citizenship was refused;

Your petitioners further represent that, having been admitted to citizenship in said nation by this Honorable Commission in the year 1896 as aforesaid there was no necessity for them to appeal to the United States court for a further adjudication of their matter, as

the decision of your said Commission by its said decision granted to these petitioners all the rights, privileges and immunities of other citizens in the said Choctaw Nation, and them to full citizenship therein; and having granted them all they asked for in their said application, they aver that they had no right of appeal, if they had been desirous to carry their said cause to the United States Court ~~therein~~ for a further adjudication, and that said decision of your said Commission became final; that these petitioners were not guilty of any fraud, nor in any way acted in bad faith in said cause, but endeavored to fully set forth all facts and circumstances in that behalf to your Honorable body. *See also Exhibits Affidavits & b*

Conclusive.

Wherefore your petitioners pray that their names be placed upon the rolls of citizens of the Choctaw Nation now being prepared by you Honorable Commission.

#####

J. F. Gilstrap

Subscribed and sworn to before me this 15th day of November 1899.

W. W. Cunningham
Notary Public.

MEMORANDA.

(Date)

June 5 1900

Name *John T. Gilstraff*
 Choctaw? *yes* County *Sauvigny* Year *1896* No. *1*
 Chickasaw? County Year Page
 Citizen by blood? Mother's citizenship
 Intermarried citizen? *yes*
 Married under what law? *Choctaw*
 License filed this day,
 Wife's name, *Mrs. Wilson*
 Choctaw? County Year No.
 Chickasaw? County Year Page
 Citizen by blood? *1/8* Mother's citizenship
 Intermarried citizen?
 Married under what law?
 License filed this day

Names of children:

<i>6 Clara Gilstraff</i>	County	Year	Page	No.
<i>Mrs. Wilson</i>	County	Year	Page	No.
"	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

Refused

Mankegee, Ind. Ter., August 28, 1900.

J. F. Gilstrap,
Stigler, Ind. Ter.,

Dear Sir:

There is enclosed you herewith the decision of the Commission refusing the application made by you, for yourself, for enrollment as an intermarried citizen of the Choctaw Nation, and on behalf of your wife, Ida Gilstrap, and two minor children, Clara and Wheeler Gilstrap as citizens by blood of the Choctaw Nation, before the Commission, at Atoka, June 8th, 1900.

In the event that you desire to have your case presented to the Secretary of the Interior for his consideration, you will so inform the Commission in writing, and the record in the case will be forwarded to the Honorable Secretary of the Interior when the rolls of the citizens of the Choctaw Nation are sent to him for final approval.

Yours truly,

Acting Chairman.

Enc. 1.

Registered mail.

7-R, 495.

Mustache, Indian Territory, January 3, 1904.

M. H. Winthrop,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 18th ultimo in which you desire to be informed as to what action has been taken in the matter of the application of J. F. Gilstrap for the enrollment of himself and family as citizens of the Choctaw Nation.

In reply to your letter you are advised that the Commission has not as yet taken any action in regard to this matter but contemplates doing so in the near future, when a copy of the decision of the Commission, stating fully therein the reasons for any action that may be taken, will be mailed to Mr. Gilstrap.

Yours truly,

Acting Chairman.

1-D-505

Muskogee, Indian Territory, May 19, 1900.

Mr. R. J. Winningham,

South McAlester, Indian Territory.

Dear Sir:

The Commission is in receipt of the petition, affidavit and exhibits in the case of J. F. Gilstrap et al. vs. the Choctaw Nation, and the same are herewith returned to you for the reason that there is no record of J. F. Gilstrap or any of the parties interested ever having appeared before the Commission as applicants for enrollment.

The Commission cannot receive applications for enrollment except upon the personal appearance of the applicant, when the party, under oath, may give sufficient evidence on which the Commission can render a decision, and also for forwarding to the Secretary of the Interior when the final rolls of the Choctaw Nation are sent up to him for review. The petitioners may now appear at this office if they desire. The Commission, however, will be at Avoke, in the Choctaw Nation, from Monday June 4th to Friday June 8th, and at Colbert, in the Chickasaw Nation, from Monday June 11th to Saturday June 16th, 1900, in order to hear the petitioners for enrollment in the Choctaw and Chickasaw Nations. On such personal appearance the petitioners will be allowed to submit and sworn affidavits or statements they may desire in furtherance of their claims. You will please so advise the interested parties.

Yours truly,

Muskogee, Indian Territory, September 13, 1900.

M. M. Winningham,
Attorney at Law,
South McAlester, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 13th instant, in which you state that you are in possession of the decision of the Commission refusing the enrollment as citizens by blood of the Choctaw Nation of J. F. and Ida Gilstrap and their two minor children and you request that the record in this case now be forwarded to the Secretary of the Interior for his consideration.

You are informed that this request must come direct from Mr. Gilstrap and if he desires to have the records in this case forwarded to the Secretary of the Interior, you will kindly instruct him to so notify this Commission in writing.

You state that in the decision of the Commission, the Commission has overlooked one important feature of the case. At least there has been no mention made of the fact that these parties made application for enrollment under the act of June 10th, 1896, and were admitted by the Commission and that there was no appeal ever taken by the Choctaw Nation and that consequently the decision of the Commission at that time became final and that the Commission in rendering its judgment of August 28th, 1900, erred in refusing the enrollment of these parties.

In connection with this case the Commission has to request that you have Mr. Gilstrap appear before the Commission at Muskogee

M. N. W. 2--

as early as possible, so that additional testimony may be taken in behalf of their application. As stated in your letter, the records of the Commission do show that some of the parties who are applicants in this case were admitted to citizenship by the Commission under the act of June 10th, 1896, the record appearing as follows:

" The application of J. Frank Gilstrap as an intermarried citizen and of Clara Gilstrap and Fred Gilstrap his children as citizens by blood is granted. This judgment is rendered by the Commission December 2nd, 1896."

You are requested to give this matter your prompt attention.

Yours truly,

Acting Chairman.

In reply please
refer to 7R 495

Shawnee, Indian Territory, November 6, 1900.

J. Frank Gilstrap,

Salger, Indian Territory.

Dear Sir:

The Commission is in receipt of the application for enrollment as a citizen of the Choctaw Nation of Wheeler Gilstrap, the infant son of J. Frank and Ida Gilstrap, born February 2nd, 1900, and the same has been accepted by the Commission as evidence of the birth of this child.

Yours truly,

Acting Chairman.

7-3-250

Salisbury, Indian Territory, June 18, 1908.

Mr. J. F. Gilstrap,

Salisbury, Indian Territory,

Dear Sir:

The Commission is in receipt of the application for enrollment of Wheeler Gilstrap, the infant son of J. F. and Ida Gilstrap, and the same has been filed with the records of the Commission. On June 5th, 1908, the enrollment of the child was refused, as well as that of the other members of the family.

Yours truly,

Acting Chairman.

7-2 478

Chectaw D-586

COPY.

Muskogee, Indian Territory, March 26, 1903.

J. F. Gilstrap,

Stigler, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission, rendered March 26, 1903, granting the application made by you for the enrollment of yourself as a citizen by inter-marriage, and for the enrollment of your wife, Ida Gilstrap, and minor children, Clara Gilstrap, Wheeler Gilstrap and Luke Gilstrap, as citizens by blood of the Chectaw Nation.

The attorneys for the Chectaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Chectaw Nation. If at the expiration of that time, no protest has been filed, the names of the applicants will be placed upon the final rolls of the citizens of the Chectaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

Enc. 1903-7

COPY.

Choctaw D-536

Muskogee, Indian Territory, March 26, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed you will find a copy of the decision of the Commission, rendered March 26, 1903, granting the application of J.F. Gilstrap for enrollment as a citizen by intermarriage, and for the enrollment of his wife, Ida Gilstrap, and minor children, Clara Gilstrap, Wheeler Gilstrap and Luke Gilstrap, as citizens by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time, no protest has been filed, the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Wm. B. Bixby

Wm. Bixby.

Chairman.

Registered.
Enc. NEW-2

Weskeges, Indian Territory, October 17, 1900.

M. M. Winningham,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 15th instant relative to the enrollment as citizens of the Choctaw Nation of J. F. Gilstrap, his wife, Ida, and his two children, Clara and Wheeler.

You state, as requested in the Commission's letter of the 15th of September that you have notified Mr. Gilstrap to appear before the Commission.

You are requested to impress upon Mr. Gilstrap the importance of his early appearance so that the matter of the enrollment of himself and family may receive the prompt attention of the Commission.

Yours truly,

Acting Chairman.

7-2-498

Waskogen, Indian Territory, May 18, 1901.

Mr. M. W. Winningham,

Attorney at law,

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 5th inst., referring to the matter of the application for enrollment as citizens of the Choctaw Nation, of J. F. Gilstrap, J. F. Gilstrap, his wife, and their two minor children, and you ask to be informed if the Commission has yet passed upon said application, upon motion to reconsider after August 28, 1900.

You are informed that under date of August 28, 1900, a copy of the decision of the Commission refusing the application made by J. F. Gilstrap for enrollment as an intermarried citizen of the Choctaw Nation on behalf of his wife and two minor children, Clara and Wheeler, as citizens by blood of the Choctaw Nation, was mailed to J. F. Gilstrap, Stigler, Indian Territory. In the letter of the Commission referred to above, Mr. Gilstrap was notified that in the event he desired to have his case presented to the Secretary of the Interior for his consideration, that upon making a request to the Commission in writing to that effect, that the records of the case would be forwarded to the Secretary of the Interior when the rolls of the citizens of the Choctaw Nation were sent to

M.V.W.—8.

him for final approval. There appears to be no evidence of record of any action having been made for a reconsideration of this case either before or after August 29, 1900.

If application was ever made for a reconsideration of this case you are requested to inform the Commission what and where and by whom the same was made.

You are further informed that the original papers in this case are still on file in the office of the Commission at Muskogee, Indian Territory.

Yours truly,

Acting Chairman.

7-R-495.

Chester D 11, 844.
Chester Freedman
241, D 11.
Chickasaw Freedman
1237.

Waskage, Indian Territory, December 17, 1903.

W. M. Winingham,

Attorney at Law,

South McAlester, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 14, asking the status of the enrollment of J. F. Gilstrap and his wife, Ida Gilstrap and their children, as citizens of the Choctaw Nation; also the status of John Herron as an intermarried citizen of the Choctaw Nation.

You further ask if Henry Powell, Ed Radford and Sam Butler are enrolled as Choctaw or Chickasaw freedmen.

In reply to your letter you are advised that Ida Gilstrap and her children, Clara, Wheeler and Luke Gilstrap, have been enrolled by the Commission as citizens by blood of the Choctaw Nation, and their enrollment approved by the Secretary of the Interior. J. F. Gilstrap has been enrolled as an intermarried citizen of the Choctaw Nation, but his enrollment has not yet been approved by the Secretary of the Interior.

You are further advised that the Commission has not yet passed upon the application of John L. Herron for enrollment as an intermarried citizen of the Choctaw Nation.

M M W 2

You are informed that Sam Butler, of Harris, Indian Territory, has been enrolled by this Commission as a Cheetaw freedman and his enrollment as such has been approved by the Secretary of the Interior.

It further appears from our records that Henry Powell has been listed for enrollment as a Cheetaw freedman but his name has not yet been placed upon the schedules of Cheetaw freedmen prepared for forwarding to the Secretary of the Interior.

You are also informed that it appears from our records that Edward Radford, of Valliant, Indian Territory, son of Caroline Prince and Calvin Radford, is an applicant to this Commission for enrollment as a Cheetaw freedman, but no decision has yet been reached or opinion rendered relative to his right to such enrollment.

Respectfully,

Chairman.

Choctaw 5664

Muskogee, Indian Territory, December 27, 1903.

G. A. Holley,

Attorney at Law,

Stigler, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 17, asking if the Secretary of the Interior has approved the claim of J. F. Gilstrap as an intermarried citizen of the Choctaw Nation.

In reply to your letter you are advised that the name of J. F. Gilstrap has been placed upon a schedule of intermarried citizens of the Choctaw Nation which has been forwarded to the Secretary of the Interior, but his enrollment has not yet been approved by the Secretary of the Interior.

Respectfully,

Chairman.

Choctaw 5664

Muskogee, Indian Territory, March 15, 1904.

G. A. Holley,

Attorney at Law,

Stigler, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 9, stating that J. F. Gilstrap has been enrolled by the Commission and his enrollment approved by the Secretary of the Interior but he has now been enjoined from selecting allotment because of his wife's claim, and you ask if it will be necessary for him to furnish additional evidence of her right to enrollment.

In reply to your letter you are advised that on January 28, 1904, the Secretary of the Interior directed the Commission to take no further action relative to enrollment or allotment of persons admitted to citizenship in the Choctaw Nation by acts of the Choctaw Council, and it appearing from our records that Ida Gilstrap, wife of J. F. Gilstrap, was admitted to citizenship by an act of the Choctaw Council approved October 30, 1890, the Commission was estopped from taking any further action relative to allotments to Ida Gilstrap and the other members of her family.

You are now advised that on February 24, 1904, the Depart-

C A H 2

ment rescinded its instructions of January 28, 1904, relative to the making of allotments to persons admitted by acts of the Choctaw Council, and J. F. Gilstrap will now be permitted to make selection of allotment upon his personal appearance at the land office for the nation in which the land he desires to select is located.

Respectfully,

Commissioner in charge.

LAWS

THE CHOCTAW NATION

PASSED BY THE

REGULAR SESSION OF THE GENERAL COUNCIL

E A

CONCURRED IN

TUSHKA HUMMA

OCTOBER 6, 1890, ADJOURNED NOVEMBER 14, 1890.

THE CHOCTAW NATION

PASSED AT THE

REGULAR SESSION OF THE GENERAL COUNCIL

CONVENED AT

TUSHKA HUMMA

OCTOBER 6, 1890, ADJOURNED NOVEMBER 14, 1890.

LAWS
OF
THE CHOCTAW NATION
REGULAR SESSION, 1890.

NO. 1.

A resolution accepting the reports of Turner B. Turnbull, District Trustee of 3rd District, C. N.

To the General Council:

We, your committee to whom was referred the report of Turner B. Turnbull, have carefully examined the same and find it to be true and correct, with the balance on hand amounting to \$2,119.70, and ask the adoption of the following bill, to-wit:

Be it resolved by the General Council of the Choctaw Nation assembled; That the report of Turner B. Turnbull, District Trustee, 3rd District, C. N., be and is hereby accepted as being true and correct, and that this resolution shall take effect and be in force from and after its passage.

Approved Oct. 11, 1890.

W. N. JONES, P. C. C. N.

NO. 2.

TUSHKA HUMMA, I. T.

Whereas, it has pleased the Almighty to remove from our midst our esteemed friends and staunch adherents and supporters of the Choctaw and Chickasaw Government, the Hon. Jos. P. Folsom and Hon. Peter E. Noel and Hon. G. W. Harkins and Hon. John Williams and Hon. Idayonubbee. And while we bow in humble submission to the wise dispensation of Him



who controls the Universe, yet we mourn the loss of five who so long served their people faithfully and always had the interest of their people at heart; therefore,

Be it resolved by the General Council of the Choctaw Nation assembled, that both houses of the General Council adjourn for four days, from Thursday, Oct. 16th, 1890, at 3 o'clock p. m., until Monday, Oct. 20th, 1890, at 9 a. m., out of respect to the deceased above named; and that each member and all officers of the Council wear the usual badge of mourning for thirty days and that the National Secretary is hereby authorized to send a copy of this resolution to the bereaved families of the above named deceased.

And be it further resolved that members of the General Council and all friends of the deceased meet in the Representative Hall at 3:30 o'clock p. m., Oct. 16th, 1890, for memorial services.

And that this resolution shall take effect and be in force from and after its passage.

Approved Oct. 15th, 1890.

W. N. JONES, P. C. C. N.

NO. 3.

Be it resolved by the Council of the Choctaw Nation assembled; That the sum of fifty dollars be and is hereby appropriated out of any money in the treasury not otherwise appropriated, to pay Judge C. S. Vinson for services in superintending the building of jail in the third District of the Choctaw Nation, at the Circuit Court ground, as provided for in the act of 1886, providing for jails in that district of the Choctaw Nation, and the National Auditor is hereby authorized to issue his warrant on the National Treasurer for the same, and this resolution shall take effect and be in force from and after its passage.

Approved Oct. 21, 1890.

W. N. JONES, P. C. C. N.

NO. 4.

A resolution accepting the report of Charles Winston, District Trustee, 2d District.

Your committee to whom was referred the report of Charles Winston, has carefully examined the same and find it to be true and correct, with the balance on hand amounting to \$587.29; also find that outstanding certificates of \$175.70, and respectfully ask the adoption of following resolution, to-wit:

Be it resolved by the General Council of the Choctaw Nation assembled, that the report of Charles Winston, District Trustee 2d District, be and the same is hereby accepted as being true and correct.

Be it further resolved, that the District Trustee of the 2d District is hereby authorized to pay the outstanding certificate of \$175.70 out of the balance on hand, and that this resolution shall take effect and be in force from and after its passage.

Approved Oct. 22, 1890.

W. N. JONES, P. C. C. N.

NO. 5.

A resolution accepting the report of John P. Turnbull, Superintendent of Public Instruction, C. N.

To the General Council:

Your committee on schools, to whom was referred the report of J. P. Turnbull, Superintendent of Public Instruction, C. N., find the same to be true and correct, with the balance on hand amounting to \$1,350.78, contingent fund on hand 16 cents, and ask the passage of the following resolution, to-wit:

SECTION 1. Be it resolved by the General Council of the Choctaw Nation assembled, that the report of John P. Turnbull, Superintendent of Public Instruction, be and the same is hereby accepted as being true and correct, and that this resolution shall take effect and be in force from and after its adoption.

Approved Oct. 22, 1890.

W. N. JONES, P. C. C. N.

NO. 6.

TUSHKA HUMMA, C. N., Oct. 15, 1890.

The Senate and House of Representatives, Choctaw Nation, in General Council assembled.

Your committee, to whom was referred the report of S. E. Lewis, District Collector, C. N., finds that he collected for the fiscal year, ending July 31, 1890, (\$6,554.31) six thousand five hundred and fifty-four and 31-100 dollars, and that he has satisfactorily reported and accounted for the same; therefore

Be it resolved by the General Council of the Choctaw Nation assembled, that the report of S. E. Lewis, District Collector, 1st District, C. N., be accepted as correct, and this resolution be in force from and after its passage.

Approved Oct. 23, 1890.

W. N. JONES, P. C. C. N.

NO. 7.

To the General Council:

We, your committee to whom was referred the report of Ben Hampton, National Inspector on the Missouri, Kansas & Texas line of railroad, have thoroughly examined same and beg leave to submit the following resolution and ask its adoption:

Be it resolved by the General Council of the Choctaw Nation assembled, that the report of Ben Hampton, National Inspector on the M. K. & T. line of railroad, be accepted as true and correct, and this resolution shall take effect and be in force from and after its passage.

Approved Oct. 23, 1890.

W. N. JONES, P. C. C. N.

NO. 8.

To the General Council:

Your committee, to whom was referred the report of B. F. Smallwood, Principal Chief, C. N., in regard to the disbursement of contingent fund, after having examined the same would beg leave to submit the following resolution, to-wit:

SECTION 1. Be it resolved by the General Council of the Choctaw Nation assembled, that the report of B. F. Smallwood for contingent fund be and the same is hereby accepted as being true and correct, and this resolution shall take effect and be in force from and after its passage.

Approved Oct. 24, 1890.

W. N. JONES, P. C. C. N.

NO. 9.

An act relating to the accounts of Peter Garland, District Trustee for First District, C. N.

Whereas, the accounts of Peter Garland, District Trustee, First District, C. N., are in such confusion as to make it impossible properly to balance the same, and

Whereas, there appears to be outstanding unsatisfied certificates of said Peter Garland amounting to the sum of \$1,281.25.

Now, therefore, be it enacted by the General Council of the Choctaw Nation assembled:

1. That the District Attorney for said First District is hereby instructed to proceed at once by law against said Peter Garland and his sureties on his bond for the collection of said sum and all proper costs, and that the money so collected be turned into the National Treasury for National purposes.

2. In order to make good the deficiency caused by said outstanding certificates and to pay the same, there is hereby appropriated out of any funds in the Treasury not otherwise appropriated, the sum of \$1,281.25, and that the National Treasurer of the Choctaw Nation is hereby authorized to pay the same on presenting the certificates, and that this act shall take effect and be in force from and after its passage.

Approved Oct. 25, 1890.

W. N. JONES, P. C. C. N.

NO. 10.

An act granting Lewis Lucas the right to establish a toll gate at the old iron bridge ford on the road leading from Fort Smith to Eufaula.

Be it enacted by the General Council of the Choctaw Nation assembled, that Lewis Lucas is hereby granted the privilege of establishing a toll gate at or near the old iron bridge ford on San Bois on the road leading from Fort Smith, Ark., to Eufaula; Creek Nation, I. T., upon the following terms and conditions to-wit: Said Lucas shall put and keep in good repair and fit for (vehicle) travel said road for a distance of five miles on each side of said ford, for which services he shall be allowed to charge all persons passing on the same, except citizens of this Nation, the following rates of toll:

For each four (4) wheeled vehicle, drawn by four (4) or more horses, mules or cattle with driver, 50 cents; for each four (4) wheeled vehicle, drawn by one or two horses, mules or cattle with driver, 25 cents; for man and horse, 10 cents; each person, foot, 5 cents; for each animal in any drove of horses, cattle, hogs, sheep or mules per head, 1 cent.

SEC. 2. The privilege to receive toll as above shall not take effect until said road is put in repair, and shall continue for ten (10) years from said time, provided said road is kept in good repair.

SEC. 3. That if any non-citizen refuse to pay the tolls above provided for, upon application, with proper proof, being made to the United States Indian Agent for the Choctaws, he shall take such steps as may be necessary to collect the same.

SEC. 4. This act shall take effect from and after its passage and approval.

Approved Oct. 25, 1890.

W. N. JONES, P. C. C. N.

NO. 11.

An act relating to citizens of the Choctaw Nation taking the oath of allegiance to the United States.

Be it enacted by the General Council of the Choctaw Nation assembled, that any member of the Choctaw tribes of Indians, either by blood, adoption or marriage into said tribe, and subject to the government of the Choctaw Nation, who has taken

or may hereafter take the oath of allegiance to the government of the United States, shall be disqualified to hold any office of trust or profit in the Choctaw Nation, and to vote at any election in said Nation, and to be impaneled as a juror in any court under the government of said Choctaw Nation.

This act shall take effect from and after its passage.

Approved Oct. 25, 1890.

W. N. JONES, P. C. C. N.

NO. 12.

An act establishing the citizenship of Martha Beals and others.

Be it enacted by the General Council of the Choctaw Nation assembled, that the citizenship of the following named persons is hereby established, to-wit: Martha Beals and her husband, Andrew Beals, and their children, Reuben, Missouri, Pinksey, Margaret, Andy, Becky, Thomas, Beel and Bill Beals, and they are hereby declared citizens of the Choctaw Nation and entitled to all the rights and privileges and immunities of such.

This act shall take effect upon its passage and approval.

Approved Oct. 25, 1890.

W. N. JONES, P. C. C. N.

NO. 13.

An act making appropriation for taking care of and furnishing repairs for Capitol building.

Be it enacted by the General Council of the Choctaw Nation assembled, that the sum of eighty-nine and 65-100 dollars is hereby appropriated to pay Edward Spring for taking care of the Capitol and furnishing locks, etc., for building.

That the National Auditor issue his warrant on the National Treasurer for the above amount, and that the Treasurer pay the same, and that this act take effect and be in force from and after its passage.

Approved Oct. 25, 1890.

W. N. JONES, P. C. C. N.

NO. 14.

A resolution accepting the report of C. J. Ralston, Superintendent of Armstrong Orphan School, C. N.

To the General Council:

Your committee, to whom was referred the report of C. J. Ralston, Superintendent of Armstrong Orphan School, find the same to be true and correct, and ask the passage of the following resolution, to-wit:

SEC. 1. Be it resolved by the General Council of the Choctaw Nation assembled, that the report of C. J. Ralston, Superintendent of Armstrong Orphan School, be and the same is hereby accepted as being true and correct, with the balance on hand amounting to \$941.89; and that this resolution shall take effect and be in force from and after its passage.

Approved Oct. 27, 1890.

W. N. JONES, P. C. C. N.

NO. 15.

A resolution stating the time for electing Superintendent of Public Schools and District Trustees.

Be it resolved by the General Council of the Choctaw Nation assembled, that the Senate and House of Representatives shall meet in joint session on Wednesday, the 29th of October, 1890, at 10 o'clock a. m., in the Representative Hall for the purpose of electing the superintendent of Public Schools and District Trustees, and this resolution take effect and be in force from and after its passage.

Approved Oct. 28, 1890.

W. N. JONES, P. C. C. N.

NO. 16.

An act recognizing certain persons as citizens of this Nation.

Be it enacted by the General Council of the Choctaw Nation assembled, that Santos Amos, his wife Ann, and William Amos, and Solomon Wilson and wife and their four children, all full blood Choctaws and lately come to this Nation from Mississippi,

be and they are hereby recognized as citizens of the Choctaw Nation, and entitled to all the rights, privileges and immunities of citizens, and this act shall take effect and be in force from and after its passage.

Approved Oct. 29, 1890.

W. N. JONES, P. C. C. N.

NO. 17.

An act conferring citizenship on certain persons named.

Be it enacted by the General Council of the Choctaw Nation assembled, that Sexton Amos, Mat Sukke, Amos Bell, Jimson Bell, John Alusion, Sarah Wilson, Isaac Wilson, Mary Wilson, Eve Wilson, Horace Wilson, Thompson Barney, Isaac Simpson, and Tom Yark, all late of the State of Mississippi, are hereby recognized as citizens of this Nation, and entitled to all the rights, privileges and immunities of citizens of this Nation, and this act shall take effect and be in force from and after its passage.

Approved Oct. 30, 1890.

W. N. JONES, P. C. C. N.

NO. 18.

Amendment to Section 2 of the act of Nov. 1, 1882, in regard to shipping tax.

Be it enacted by the General Council of the Choctaw Nation assembled, that from and after the passage of this act a royalty is hereby levied on all prairie or wild grass of one dollar (\$1.00) per ton for each ton of such grass cut for sale or barter, whether upon the public domain or within citizens' enclosures.

The sheriff of each county shall collect said royalty and pay the same, less 10 per cent. for his services, to the County Treasurer for county purposes of the county in which such grass shall have been cut.

Nothing herein contained as to impose a royalty on grass cut by any citizen for his own use, and this act take effect from and after its passage.

Approved Oct. 30, 1890.

W. N. JONES, P. C. C. N.

E. A.

NO. 19.

An act to abolish Good Spring and Cole Spring precincts in Blue County, and to establish Jones precinct instead.

Be it enacted by the General Council of the Choctaw Nation assembled, that Good Spring precinct and Cole Spring precinct, located in Blue county, be and the same are hereby abolished. Be it further enacted, that an election precinct is hereby established at Cornelius Jones' house, in Blue county, and shall be called and known as Jones precinct; and voters may vote at said precinct, and this act shall take effect and be in force from and after its passage.

Approved Oct. 30, 1890.

W. N. JONES, P. C. C. N.

NO. 20.

An act changing boundary lines of certain counties.

Be it enacted by the General Council of the Choctaw Nation assembled, that boundary line of Wade county shall be as follows, to-wit: Beginning on the top of the dividing ridge where boundary line of Mosholetubla district strikes the boundary line of the state of Arkansas, running thence along the top of the dividing ridge westward to where the road leading from Horse Prairie to Fort Smith crosses the same; thence along said road to Jack's Fork; thence down Jack's Fork to its junction with Kiamitia; thence down Kiamitia to the narrows, one mile above Hotoka's place; thence on a straight line to a spring on the Kiamitia Mountain, known as Okchaga's place; thence following a line on the top of the main Kiamitia Mountain eastwardly to the Arkansas line; thence along said line northwardly to the beginning.

SEC. 2. Be it further enacted that the boundary lines of Cedar county are hereby changed so that it will follow up Ward's Creek to its junction with Little River to the source of said Ward's Creek; thence in a northwardly direction on a straight line to the top of the main Kiamitia Mountain to a junction with Wade county lines, and all that portion of Wade county under the old boundaries east of Ward's Creek and the line from its source to the top of Kiamitia Mountain is hereby declared a

part of Washoba county, and all that portion on the west of said Ward's Creek and line is hereby declared a part of Cedar county.

SEC. 3. Be it enacted that all former laws are hereby repealed, and this act take effect and be in force from and after its passage.

Approved Oct. 31, 1890.

W. N. JONES, P. C. C. N.

NO. 21.

An act relating to the school system of the Choctaw Nation.

Be it enacted by the General Council of the Choctaw Nation assembled,

BOARD OF EDUCATION.

CHAP. 1. There is hereby created a Board of Education of the Choctaw Nation, to be composed of the Principal Chief, who shall be ex-officio President of said Board, one Superintendent of Schools and three (3) District Trustees, one from each District. The Superintendent of schools, and the District Trustees shall be elected by both houses of the General Council in joint session; shall hold office for the term of two years, and until their successors are qualified, and shall receive for compensation an annual salary as follows: The Superintendent, six hundred dollars (\$600); each District Trustee, four hundred dollars (\$400); to be paid quarterly out of the general funds of the Nation.

SEC. 2. Said Superintendent and District Trustees shall each, before entering upon the duties of their respective offices, give bond to the Choctaw Nation with at least two good sureties, in the sum of five thousand dollars (\$5000), to be approved by the Principal Chief, conditioned upon the faithful performance of all duties imposed on them by law. They shall each take the usual oath of officers of the Choctaw Nation.

SEC. 3. The powers and duties of the Board of Education shall be as follows, to-wit:

1. To exercise a general supervisory control over the school system of the Choctaw Nation.

2. To make all necessary rules and regulations, not inconsistent with this act, for its own government and the govern-

ment of the various Academies, Seminaries and neighborhood schools.

3. To examine and appoint all teachers as hereinafter provided.

4. To contract with Superintendents of public schools; but no such contract shall be valid unless approved by the Principal Chief, and signed by at least three other members of the Board.

5. To revoke the certificate of any teacher for immoral, intemperate or improper conduct,

6. To prescribe the text books to be used in all schools.

7. To suspend any Academy or Seminary in case of general sickness or epidemic.

8. To discontinue any neighborhood school, should the same in their judgment be expedient.

9. To designate permanent locations for any or all the neighborhood schools, if in their judgment such action would promote the cause of education. Powers in paragraphs 8 and 9 may be delegated to respective District Trustees.

10. To prescribe the course of study in the various public schools, and it is made the duty of the Board to foster as far as possible, in the Academies, manual training in the mechanical arts and theoretical and practical agriculture.

11. To select scholars to be sent to the states to school at public expense; such scholars must be selected from those in attendance upon public schools; they shall be selected from the various districts as nearly as may be in proportion to the school population of each, and the number of each sex shall be kept equal. They shall be examined by some competent physician, selected by the Superintendent of schools, and if physically disqualified, shall be rejected and others sent in the stead of such as may be rejected.

The Board of Education shall have a seal with the inscription, "Board of Education, Choctaw Nation." It shall keep a record of its proceedings, and its official acts shall be authenticated by its seal.

SEC. 4. It shall be the duty of the Board of Education to select one Superintendent and at least two teachers for each public school now, or hereafter to be erected in the Choctaw Nation. Advertisements shall be inserted in papers in at least three different states and in one paper in the Choctaw Nation, setting forth the duties, qualifications and emoluments of such

Superintendents and teachers, other things being equal, preference shall be given to applicants professing Christianity. The teachers shall have had at least 10 years experience in their profession, and must bring ample testimonials as to competency and morality. The male teachers must be graduates of some college of established reputation and capable of giving instruction in Greek, Latin, German and French. The female must be graduates of some higher institution of learning or some reputable normal school, and capable of instructing in two modern languages other than English. Upon the approval of this act, it shall be the duty of the Superintendent of schools at once to notify the Superintendent of public schools in writing, that the Choctaw Nation elect to cancel all existing contracts at the expiration of the current scholastic year. He shall then begin to negotiate for new contracts. As to Academies, Seminaries or High Schools hereafter to be established, contracts will be made in accordance with the first paragraph of this Section and Section 5 of this chapter.

2. As to public schools now in existence: The Board of Education may in its discretion, make contracts as heretofore subject to the general provisions of this act, with Boards of Home Missions, in which latter event, however, paragraph one of this Section and Section 5 of this Chapter shall not apply, nor will the Nation engage to pay the salaries of Superintendents or teacher in such schools. Such contracts shall also contain a clause authorizing either party to rescind the same upon six months' notice in writing to the other, and the absence of such stipulations shall render such contract void *ab initio*.

SEC. 5. The Superintendent of each of the public schools shall receive an annual salary of \$1,200, to be paid in equal quarterly installments out of the general funds of the Choctaw Nation. The teachers in said public schools shall receive each an annual salary of not less than \$750 and not more than \$1,200, to be paid in like manner out of said general funds. The Superintendents shall hold their positions for six years, and the Board is authorized to make written contracts to that effect. Any Superintendent or teacher, may, however be discharged upon charges sustained by the Board; but such charges must be in writing; must be heard by the full Board. The party charged must have written notice of the time and place of investigation and given full opportunity to be heard in his or her own

defense, and at least four members of the Board must concur in sustaining the charge and charges.

SEC. 6. All sums appropriated for the support and maintenance of the public schools shall be paid out to the respective Superintendents in equal installments on the first Mondays in September, November, February and May of each year. The Superintendent of schools shall make his requisition for such sums, under direction of the Board, upon the National Auditor, who shall thereupon issue his warrant for the same, said warrants shall be paid out of the respective appropriations by National Treasurer, any surplus remaining over at the expiration of the scholastic year, shall be returned by the Superintendent in whose schools such surplus shall exist, to the National Treasurer, and by him converted into the treasury. This section shall apply to all new contracts whatever with Superintendents of Public Schools.

SEC. 7. The Board of Education shall examine all applicants for the position of teacher in the neighborhood schools, but for this purpose the Principal Chief and each District Trustee may each select a proxy to represent him at such examination. Such proxies need not be citizens of the Choctaw Nation, but must be competent to conduct such examination. The applicants shall be examined in Reading, Writing, Spelling and Grammar of the English language, in Geography and History, particularly of the United States; a fair knowledge of the Constitution of the United States and of the Choctaw Nation shall also be required. It is particularly enjoined upon the Board, in selecting teachers, that regard be had to the disposition of applicants as far as the same can be determined by personal observation at the time of such examination. Upon the conclusion of the examination in each district, each successful candidate shall be required, according to merit into one of the three grades to be known as "First," "Second" and "Third" Grades, the first being the highest. Each successful candidate shall receive a certificate from the Board, specifying his or her grade. Teachers shall be assigned by the Board, as near as may be, to the neighborhood school whence they are sent by the respective local trustees; but if any local trustee fails to send a candidate, or having sent one, such candidate fails to secure a certificate, then the Board shall send some other competent person to such neighborhood. The foregoing examination shall be conducted at least once in each dis-

trict annually; and for their services in this behalf the members of the Board doing the actual labor, shall receive each the sum of \$5.00 per day and mileage at the rate of five (5) cents per mile for each mile actually traveled. Such examinations shall not be held more than five (5) days each year in each district. The times and places of such examinations shall be fixed previously by the Board, and at least three months notice given thereof by advertisement in one newspaper published in the Nation, the contingent fund of the Superintendent of Schools.

SEC. 8. The scholastic year of the public schools shall begin on the first Monday in September of each year and shall close between the 10th and 30th of June. The Superintendent of schools and three District Trustees shall attend the annual examination of each of said schools; and to this end the Board of Education shall, by regulation, fix the dates of the closing thereof in such wise as to enable said Superintendent and District Trustees to be personally present at all of said examinations.

SEC. 9. The Superintendent of schools shall have an annual contingent fund \$450 and each District Trustee of \$750, for the expenditure of which they must account to the full Board of Education at its annual meeting. All minor expenses not herein specifically provided for shall be paid out of the respective contingent funds.

SEC. 10. The full Board of Education shall meet at least once in every year in regular annual session. This meeting shall be at Tushka Humma and shall begin during the first week of the regular annual session of the General Council; at such meeting the Board shall make up its annual report to said Council. Such report shall contain an itemized account of all expenditures on account of schools by said Board or any of its members. It shall also contain a general review of the last scholastic year, the condition, progress and attendance at all schools and such recommendations as to legislation as the Board may deem expedient or necessary. The Board shall transmit with its own report, the reports of the various Superintendents of public schools.

SEC. 11. The President may call special sessions of the Board whenever he shall deem it necessary, to be held at such place as he may designate.

SUPERINTENDENT OF SCHOOLS.

CHAP. II. The Superintendent of schools shall be the executive officer of the Board of Education, and is charged with carrying into effect all orders, rules and regulations of said Board.

SEC. 2. He shall correspond with the principals of schools outside the Nation, at which Choctaw pupils are attending, at the public expense, and with the scholars themselves, in order to acquaint himself with the progress and needs of such scholars.

DISTRICT TRUSTEE.

CHAP. III. Each District Trustee shall have a seal of office, which shall bear on the outer edge the words,

SEC. 1. "District Trustee, Choctaw Nation," and within the circle the Choctaw name of his district, followed by the word "District." As soon as qualified, each District Trustee shall write his signature in a book to be kept by National Treasurer for that purpose. All certificates required by law to be made by a District Trustee shall be signed in person and his seal of office affixed to the same.

SEC. 2. The teachers of neighborhood schools shall be paid by the National Treasurer, upon monthly certificates of the District Trustee of the district in which such shall be located. Such certificates shall be made out upon the monthly report of each teacher when certified to by the local Trustee. Each District Trustee shall file all certified teachers' reports and present the same to the Board at its annual meeting, with his district report.

SEC. 3. The District Trustees shall also report to the Board, at its regular annual meeting, the names of all the scholars as reported to them by the local Trustees.

SEC. 4. Each District Trustee shall have power to suspend any neighborhood school in his district in time of general sickness or epidemic in the neighborhood.

SEC. 5. The District Trustees shall, each in his own district, at once upon the receipt by him of any charges against any teacher in his district, to investigate the same, and if the charges are sustained to suspend the delinquent and appoint as a substitute any available person holding a certificate from the Board of Education.

LOCAL TRUSTEES.

CHAP. IV. There shall be a Local Trustee in each neighborhood, who shall be the head of a family: shall be appointed by the District Trustee of his district; shall hold office for one scholastic year.

SEC. 2. It shall be the duty of the Local Trustee to select one competent person in his neighborhood who may be a non-citizen and send him or her to the annual teachers' examination in his district. He shall visit his school at least once a month, and at the end of each month he shall examine the teacher's report and account, and if the same be correct, he shall so certify. Such account and certificate shall be sent by the teacher to the District Trustee. He shall report to the District Trustee any improper conduct on the part of the teacher for investigation as provided in this act.

It shall be the duty of all Local Trustees to uphold teachers in enforcing proper discipline in the neighborhood school, and to enjoin upon pupils the necessity of showing due respect to the teacher.

SEC. 3. Local Trustees shall receive no compensation for their services.

SEC. 4. Local Trustees shall enroll all children in their respective neighborhoods between the ages of seven and eighteen, and report the same to the proper District Trustee at the end of each scholastic year.

NEIGHBORHOOD SCHOOLS.

CHAP. V. Any neighborhood that can employ a teacher shall be entitled to a neighborhood school; provided, however, that such schools shall not be

SEC. 1. nearer to each other than three miles, measured along the most direct traveled wagon road; and provided further, that this limitation as to distance shall not apply to acknowledged towns. The provisions of this section are subject to the powers conferred upon the Board of Education by Sec. 3, par. 8 and 9, Chap. I., of this act.

SEC. 2. Neighborhood schools shall be taught at least six (6) hours daily, Saturdays and Sundays excepted, during the term, and shall have regular hours of opening and closing. They shall open for the term on the first Monday of September.

and close on the last day of May of each year; but the District Trustee shall have power to grant short vacations and holidays at stated times during the term.

SEC. 3. The benefits of a free neighborhood school shall extend only to such Choctaw children as attend the schools within the Choctaw Nation established; and it is hereby made the duty of all Choctaw parents or guardians to send their children to school.

SEC. 4. The parents or guardians of all enrolled children who fail to send them to school shall be fined ten cents per day for each child enrolled who shall fail in attendance (not, however to exceed \$2.00 per child per month), except in cases of sickness, bad weather or other casualty. The money shall be collected as provided for in Sec. 5, Chap. VI, of this act, (but in no case shall any sum be paid out of the County Treasury on this account), shall be paid into the contingent fund of the District Trustee of that district. In case of necessity or other good cause shown to the District Trustee, he may excuse any child from attendance upon the neighborhood schools for reasonable periods of time.

SEC. 5. Teachers in neighborhood schools shall be entitled to two dollars (\$2.00) per month for each scholar in attendance, when such scholar has attended more than twenty days in the month. But where the attendance has been less than twenty (20) days, then such teacher shall receive 10 cents for each day of attendance; *provided, however*, that the teachers of the First Grade shall not receive over forty-five dollars (\$45) in any one month; those of the Second Grade not over thirty dollars (\$30), and those of the Third Grade not over twenty dollars (\$20).

SEC. 6. A scholastic month shall be taken and held to extend from a day of one calendar month to the corresponding day of the succeeding calendar month.

BOARDING SCHOOLS.

CHAP. VI. The Superintendent of each boarding school in the Nation shall give a bond with at least two sureties, payable to the Principal Chief, and to be approved by him, in the sum of five thousand dollars (\$5,000), conditioned upon the faithful performance of his duties as in-

posed by law, and observance of his contract with Board of Education.

SEC. 2. The Superintendents shall take charge of their respective schools and conduct the same under the supervision of the Board of Education. They shall make full reports to the Board at the end of each scholastic year, which reports shall embody the names and ages of all scholars, with their percentage in each study, the attendance and other matters connected with their progress and the internal discipline of the schools, together with an itemized statement of all moneys received and expended, accompanied with proper vouchers.

SEC. 3. The number of scholars at each of these schools shall be one hundred; at Spencer Academy they shall be boys, and at New Hope Seminary they shall be girls. One of each sex shall be chosen from the Choctaws residing in the Chickasaw country, ninety-nine of each sex shall be apportioned among the various counties of the Choctaw Nation by the Board of Education in proportion to the school population of said counties. The Board shall notify the County Judge of each County at least thirty days before the beginning of each scholastic year, how many pupils of each sex his county is entitled to; each County Judge shall then select his county's quota from the neighborhood schools, and give each person so selected, or to his or her parents or guardian, a certificate of such selection.

SEC. 4. Before admission each scholar shall be required to pass a creditable physical examination before some competent physician selected by the Superintendent of schools, and also a mental examination, the standard of which shall be fixed by the Board. There shall be no limit as to age, though a regular course shall be held to be five years, but any pupil may be retained longer or sooner discharged by the Board upon recommendation by the Superintendent of either school.

SEC. 5. Upon selecting the scholars from his county each Judge shall forthwith notify the proper Superintendent of public schools of names and postoffice address of such scholars, and also the name and address of the Sheriff of his county. If any pupil to whom a certificate has been issued shall fail for ten (10) days after the opening of school, or, when the certificate was issued after the opening of school, for ten days after the proper superintendent has been notified, to report to his or her school, it shall be the duty of the Superintendent of such school to no-

tify the proper Sheriff of such failure. The sheriff shall at once investigate the case, and if the pupil was not detained by high water, or sickness of self or family, then he shall take such pupil within five days to the proper school at the expense of parent or guardian. For this duty he shall be allowed \$2.00 per day and five cents per mile for each mile actually traveled by each student and by himself by the usual traveled route. The Sheriff's account must be verified under oath, and if on demand, the parent or guardian refuse to pay the same, the Sheriff may take summary judgment in the circuit court of his district, upon a satisfactory showing to the judge thereof, that the expenses were lawfully incurred, for the amount of his bill and costs, without further notice or demand against such parent or guardian. Upon such judgment execution shall issue forthwith. If such execution cannot be satisfied, then the Sheriff shall be paid out of the County Treasury where such execution debtor reside, upon the County Judge being satisfied of the correctness of the account. The county paying the account shall be subrogated to the Sheriff's rights under the execution. If there be more than one delinquent pupil in the same county, it shall be the duty of the Sheriff to take all such in one trip, and the circuit court shall not give judgment in any case where this provision appears not to have been complied with.

SEC. 6. No family shall have more than one scholar at any one time at the boarding schools of this Nation, nor in the States at the expense of the nation.

ORPHAN SCHOOLS.

CHAP. VII. There shall be fifty (50) orphan boys at Arm-

SEC. 1. strong Academy and fifty (50) girls at Wheelock Seminary. During vacation, such as have no relative or proper friends to visit, shall be cared for by respective Superintendents.

SEC. 2. There shall be no restriction as to age. The regular course shall be five years; but the Board in its direction may in particular cases order the retention or discharge of any pupil. No pupil shall be discharged except upon the order of the Board.

SEC. 3. The County Judges shall select the pupils, appointment having been made by the Board of Education as provided for in the case of boarding schools. Regard shall be had

in selections to the most needy, and more than one pupil may be sent from the same family.

SEC. 4. Each Sheriff shall collect all pupils and take them in one trip to the proper school. He shall be allowed \$2.00 per day and actual necessary expenses, to be paid out of respective County Treasuries upon properly verified account.

SEC. 5. The Superintendents of orphan schools shall give a similar bond and shall report in like manner to the Board as prescribed in this act for Superintendents of boarding schools.

This act shall take effect from and after its passage and approval, and all other acts and parts of acts on the subject of schools are hereby repealed.

Approved Oct. 31, 1890.

W. N. JONES, P. C. C. N.

NO. 22.

A resolution accepting the report of Alfred Docking, Superintendent of Spencer Academy, C. N.

Your committee on schools, to whom was referred the report of Alfred Docking, Superintendent of Spencer Academy, have carefully examined the same and find it to be true and correct, "with no balance on hand," and ask the passage of the following resolution, to-wit:

Be it resolved by the General Council of the Choctaw Nation assembled, that the report of Alfred Docking, Superintendent of Spencer Academy, is hereby accepted as being true and correct, and that this resolution shall take effect and be in force from and after its passage.

Approved Oct. 31, 1890.

W. N. JONES, P. C. C. N.

NO. 23.

A resolution providing for the translating and binding in book form all the laws enacted by the several General Councils of the Choctaw Nation from 1886 to 1890.

Whereas, the laws of the Choctaw Nation enacted by the several Councils of 1886, 1887, 1888, 1889 and 1890, are in pamph-

phlet form, and some of them are still in manuscript, thereby making it very inconvenient for the courts and all officers to intelligently understand the same, and in some cases the officers are not supplied with the above said laws.

Therefore be it resolved by the General Council of the Choctaw Nation assembled, that the sum of two thousand and five hundred dollars (\$2,500) be and is hereby appropriated out of any money in the National Treasury not otherwise appropriated, and the same be placed in the hands of the Principal Chief, C. N., and the said Principal Chief is hereby authorized and empowered to employ two competent men whose duty it shall be to collect and translate into the Choctaw language all the laws above named and have them bound in good substantial binding book form, two hundred and fifty books of each, the Choctaw and English languages, and the Principal Chief is hereby authorized to pay to said two men employed by him as above provided so soon as they are ready to commence the work, the sum of one thousand dollars so as to enable them to purchase material, etc., for the said work, and the Chief shall pay balance, one thousand five hundred (\$1,500) when the work is completed and turned over to him to be distributed to the several officers of this Nation. And the National Secretary is hereby directed and requested to furnish certified copies of all laws of the above said dates to the men so employed by the Principal Chief when they shall demand the laws.

And this resolution take effect and be in force from and after its passage.

Approved Oct. 31, 1890.

W. N. JONES, P. C. C. N.

NO. 24.

A resolution accepting the report of Dr. A. Griffith, Superintendent of New Hope Seminary, C. N.

To the General Council:

Your committee on schools, to whom was referred the report of A. Griffith, Superintendent of New Hope Seminary, find the same to be true and correct, with the balance on hand amount-

ing to \$764.92, and ask the passage of the following resolution, to-wit:

SEC. 1. Be it resolved by the General Council of the Choctaw Nation assembled, that the report of Dr. A. Griffith, Superintendent of New Hope Seminary, be and the same is hereby accepted as being true and correct, and that this resolution shall take effect and be in force from and after its passage.

Approved Oct. 31, 1890.

W. N. JONES, P. C. C. N.

NO. 25.

An act conferring citizenship on Mrs. Trehern, and other Mississippi Choctaws.

Be it enacted by the General Council of the Choctaw Nation assembled, that Mrs. Trehern and her children, Joel Trehern, Joseph Trehern, Laura (Trehern) Walker, her husband, Sam Walker and two children, Hannah (Trehern) Deloach, her husband, Joseph Deloach and their three children, all late of the State of Mississippi, be and are hereby recognized as citizens of the Choctaw Nation and entitled to all the rights, privileges and immunities of citizens of this Nation, and this act take effect and be in force from and after its passage.

Approved Oct. 31, 1890.

W. N. JONES, P. C. C. N.

NO. 26.

An act to punish official corruption, and the bribery of voters.

Be it enacted by the General Council of the Choctaw Nation assembled.

SEC. 1. Any Choctaw citizen holding any office of honor, trust or profit, under the Choctaw Government, and any witness or juror in any Choctaw courts who shall corruptly take or accept any money, valuable thing or consideration whatever, either before or after such officer, witness or juror has qualified, offered him or her by any other person with intent to influence the official action or duty of such officer, witness or juror, shall be deemed guilty of a felony, and upon indictment and conviction

thereof, shall be punished by a fine of not less than one hundred dollars, and in default of the payment of such fine for one day, shall receive not less than thirty-nine (39) nor more than one hundred (100) lashes well laid on the bare back.

Sec. 2. Any person who shall corruptly offer, or attempt to offer to any qualified voter of the Choctaw Nation at any general or special election held under the Choctaw laws, any intoxicating liquor, money or valuable thing whatever, as a consideration for the suffrage of said voter, or with intent to influence said voter, as to his vote, or to subvert his free choice, shall be deemed guilty of a felony, and upon indictment and conviction, shall be punished as provided in Sec. 1, of this act.

This act shall take effect from and after its passage and approval.

Approved Nov. 3, 1890.

W. N. JONES, P. C. C. N.

NO. 27.

An act to change the County court ground of Nashoba County.

Be it enacted by the General Council of the Choctaw Nation assembled, that the County Court ground of Nashoba county, now known as Shawa court ground, be and the same is hereby removed to a spring one and one-half miles west of the present site, and one-half mile south of Madison Jefferson's place, and shall still be called and known as Shawa court ground, and that this act shall take effect and be in force from and after its passage.

Approved Nov. 3, 1890.

W. N. JONES, P. C. C. N.

NO. 28.

An act granting a charter to Moses Woolridge.

Be it enacted by the General Council of the Choctaw Nation assembled, that the right is hereby given to Moses Woolridge to turnpike the road in San Bois county, known as the Fort Smith and Eufaula road, commencing where said road crosses Imachaya creek and extending west to the foot of Broken Hill, a distance

of seventeen miles, and of establishing a toll gate thereon. But before the said Moses Woolridge shall collect toll on said road, he shall, by proper means, make the said road in every particular a first-class turnpike road, after which he shall be entitled to receive from all non-citizens passing over said road, tolls as follows: For every four wheeled wagon drawn by four or more animals, 50 cents; for every four wheeled wagon or other vehicle drawn by two animals, 25 cents; for all two wheel carts drawn by one animal, 10 cents; for every person on horse back, 5 cents; for every person on foot, 5 cents; for every animal in droves, 1 cent per head, and the right herein granted shall continue so long as the turnpike is kept in first-class condition and for ten years.

Be it further enacted, that any non-citizen passing over this turnpike and refusing or failing to comply with the charges of this charter, shall be reported to the Indian Agent, who shall take such steps as will be necessary in order to compel said non-citizen to comply with this act, and that this act take effect and be in force from and after its passage.

Approved Nov. 3, 1890.

W. N. JONES, P. C. C. N.

NO. 29.

An act making an appropriation of one thousand dollars for the benefit of New Hope Seminary.

Be it enacted by the General Council of the Choctaw Nation assembled, that the sum of one thousand dollars, or so much thereof as is necessary, is hereby appropriated out of any money in the National Treasury and placed in the hands of the Board of Education, to build a furnace with proper pipes to heat the main dormitory at New Hope Seminary. That the Board of Education is hereby empowered to carry out the intentions of this act and to return any balance on hand to the National Treasury, and this act shall take effect and be in force from and after its passage.

Approved Nov. 3, 1890.

W. N. JONES, P. C. C. N.

NO. 30.

An act appropriating \$7,000 for the benefit of Armstrong Orphan School.

Be it enacted by the General Council of the Choctaw Nation assembled, that the sum of seven thousand dollars is hereby appropriated to erect a new building, and to repair the present one at Armstrong Orphan Academy.

Be it further enacted, that all of this appropriation, or so much as is necessary, shall be expended under the supervision and consent of the Board of Education, and any balance on hand shall be turned into the treasury by the President of the Board of Education.

SEC. 3. The sum of six thousand two hundred dollars is hereby appropriated to be expended in the same manner for the use and benefit of Spencer Academy. This act shall take effect from and after its passage.

Approved Nov. 3, 1890.

W. N. JONES, P. C. C. N.

NO. 31.

An act in reference to licensed traders.

Be it enacted by the General Council of the Choctaw Nation, assembled, that licensed traders shall pay annually the sum of five hundred dollars for the privilege of selling goods or trading in the Choctaw Nation; that this act shall apply to every non-citizen who trades or exposes goods for sale in any manner, and if a trader conduct a business at more than one point he shall pay the like sum of five hundred dollars for each and every such business.

SEC. 2. That all acts or parts of acts in conflict herewith are hereby repealed, and this act take effect and be in force from and after the first day of January, A. D. 1891.

Approved Nov. 4, 1890.

W. N. JONES, P. C. C. N.

NO. 32.

A Memorial.

Whereas, a corporation known as the Choctaw Coal and Railway Company, operating under a charter granted by the laws of the State of Minnesota, were granted a charter by the Congress of the United States in 1887, to construct and operate a railway, telegraph and telephone lines through the Indian Territory, from a point on Red River, known as Rocky Cliff, to a point contiguous to Polk or Sevier counties, Arkansas; and whereas, said corporation were granted a right of way of one hundred feet along the main line and branches of said railroad; and whereas, said railroad company has fenced and are fencing a right of way along the line of said railway that is one hundred feet on each side of the main track, without authority of law, and contrary to treaty rights or charter privileges, and against the wishes and over the protest of the Choctaw people; and whereas, it is believed by the Choctaw Council that said corporation has violated its charter rights by endeavoring to obtain possession of more land in the Choctaw Nation than is granted in their right of way; and whereas, said charter expressly declares that such action on the part of this corporation shall operate a forfeiture of its charter; and whereas, said corporation have aided, assisted and advised disloyal Choctaw citizens in a violation of Choctaw laws, as tends to change the present tenure of the Choctaw tribe of Indians in their lands; and whereas, said corporation erected a wire fence along their railroad, without putting on blind, as required by Choctaw law, and has erected such a fence as is forbidden by law.

Therefore be it resolved by the General Council of the Choctaw Nation, that Honorable Secretary of the Interior be and he is hereby respectfully requested to investigate the action of the said Choctaw Coal and Railway Company, and have the fences so erected by said corporation, which are hereby declared to be a nuisance, removed, and that he request the Congress of the United States to revoke the charter of said corporation.

Resolved further, that the National Secretary be and is hereby instructed to forward by registered package a receipt for which shall be filed in his office within thirty days from this date, to the Secretary of the Interior and the President of the United

States, a copy of this memorial, under the seal of the Choctaw Nation.

Resolved further, that the Secretary of Interior is hereby respectfully requested to give this matter his careful attention, that this complaint may be acted upon as soon as possible.

Approved Nov. 11, 1890.

W. N. JONES, P. C. C. N.

NO. 33.

Whereas, the General Council of the Choctaw Nation did, in its session of 1887, Nov. 10, pass a resolution declaring one W. H. McKinney, at that time District Trustee of the 2d District, Choctaw Nation, a defaulter to the Nation in the sum of two thousand one hundred and seventy-five dollars and sixty cents, and did pass a resolution authorizing and directing the District Attorney of the said 2d District to prosecute the said W. H. McKinney and his sureties on his bond for the recovery of the said sum of \$2,175.60, and the said cause of prosecution is still pending; and whereas, the said W. H. McKinney was elected Superintendent of public schools of the Choctaw Nation; and whereas, it is evident that some of the members of the Council did not know of the existence of said prosecution when they voted for him.

Therefore be it resolved by the General Council of the Choctaw Nation assembled, that the Principal Chief is hereby requested to withhold the commission of the said W. H. McKinney until he make a settlement with the Nation for the said sum of \$2,175.60, for which he is defaulter, and in the event the said W. H. McKinney refuse or fail to make a settlement for the said amount, the Principal Chief is hereby authorized to appoint some suitable person to fill the vacancy of Superintendent of public schools as the law directs, and this resolution take effect and be in force from and after its passage.

Approved Nov. 11, 1890.

W. N. JONES, P. C. C. N.

NO. 34.

An act to authorize D. W. Hodges to construct a Railroad switch or tramway, and granting the right of way, etc.

SEC. 1. Be it enacted by the General Council of the Choctaw Nation assembled, that D. W. Hodges is hereby authorized to construct a railroad switch or tramway, or either of which he may deem most practicable, from the Lehigh branch of the M. K. & T. railway, beginning at a point to be by him selected on said branch road, between Lehigh and Coal Gate, and running from thence in a northwesterly direction about six miles, to or within one mile of his coal mine or mines.

SEC. 2. Be it further enacted, that the right of way is hereby granted to said D. W. Hodges to construct such railroad switch or tramway, and the same shall extend for fifty feet on each side of the track and continue as long as the same shall be used for the purpose set forth in this act; and said right shall be the use and benefit of D. W. Hodges and his heirs and assigns so long as used for said purpose.

SEC. 3. Be it further enacted, that this act shall not be construed to require the completion of said track the full distance of this grant, but that a less distance may be completed if so desired by the said D. W. Hodges. The right herein granted shall not be construed to interfere with the right or claim of other citizens of this Nation.

SEC. 4. Be it further enacted, that the right herein granted, if transferred to non-citizens, shall cease; and that this act shall take effect and be in force from and after its passage.

Approved Nov. 11, 1890.

W. N. JONES, P. C. C. N.

NO. 35.

An act for the better securing the safety of the election returns in the election of Principal Chief and of the National officers.

Be it enacted by the General Council of the Choctaw Nation assembled,

SEC. 1. That at every election for Principal Chief, or for any or all of the National officers, upon the delivery by the Sheriff or his deputy, to the proper Supreme Judge of the poll

books of such Sheriff's county, said Judge shall give to such Sheriff a receipt, naming each poll book received, and particularly describing the condition of the same, whether securely sealed, mutilated or not.

SEC. 2. The Supreme Judge shall at once deposit such poll books in a secure box or other safe receptacle, in which there shall be kept no other thing except the poll books containing the returns of election for Principal Chief, or for national officers. He shall retain said poll books in said box or receptacle, under lock and key, until such time as he is by law required to transmit them to the National Secretary. While said books are in his possession the Supreme Judge shall not exhibit the same to any one, nor permit any person, under any pretext to inspect or to handle them.

SEC. 3. At the proper time such Judge shall, in person, take said poll books to the National Secretary, who shall give to such Judge receipt in all respects similar to those required herein to be given by the Supreme Judge to the various Sheriffs.

SEC. 4. Upon the delivery by the National Secretary to the Speaker of the House of such poll books, said Speaker shall give similar receipts to said Secretary.

SEC. 5. It shall be the duty of each Supreme Judge to preserve duplicates, made at the time, of all receipts so given by him to the various Sheriffs. These duplicates he shall deliver to said Speaker of the House in person, as soon as practicable after he has delivered the poll books to the National Secretary.

SEC. 6. In case any Supreme Judge is unable by reason of sickness or other unavoidable casualty, to deliver the poll books and duplicate receipts in person to the National Secretary and Speaker of the House, respectively, as herein above required, then he shall at once notify the National Secretary of such inability. The National Secretary shall thereupon proceed in person to the place where such Supreme Judge may be, and then receive from him the poll books and duplicate receipts, and deliver to him receipts as herein above required, and the National Secretary shall then deliver the books and duplicate receipts to the Speaker, as aforesaid. In case of the inability of the National Secretary to act as provided in this section, then the President of the Senate shall designate some one of the National officers to act in his stead.

SEC. 7. And be it further enacted, that if any judge of elec-

tion fail to certify to any poll books, or, after having certified thereto, refuse to deliver the same, in manner and form as prescribed by law, then, in either such event, he shall be deemed guilty of a felony and he shall, upon indictment and conviction thereof, be punished by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), and in case he fails to pay the fine assessed within one day, he shall receive not less than thirty-nine (39) nor more than one hundred (100) lashes well laid on his bare back, and this act shall take effect and be in force from and after its passage.

Approved Nov. 13, 1890.

W. N. JONES, P. C. C. N.

NO. 36.

Resolution of Adjournment.

Be it resolved by the General Council of the Choctaw Nation assembled, that the session of the General Council will adjourn on Friday evening at 3 o'clock, the 14th of Nov. 1890.

This resolution shall take effect from and after its passage.

Approved Nov. 13, 1890.

W. N. JONES, P. C. C. N.

NO. 37.

An act establishing an additional election precinct in Jack's Fork County.

Be it enacted by the General Council of the Choctaw Nation assembled, that an additional precinct is hereby established at Antlers Station, in Jack's Fork county, and called and known as Antlers Precinct, and all the citizens of Jack's Fork are privileged to vote at said precinct in all special and general elections and that this act take effect and be in force from and after its passage.

Approved Nov. 13, 1890.

W. N. JONES, P. C. C. N.

NO. 38.

An act removing an election precinct in Wade County.

Be it enacted by the General Council of the Choctaw Nation assembled, that the election precinct heretofore established at Davis Anderson's house, in Wade county, and known as Davis Anderson precinct, be and the same is hereby moved to the school house in Pleasant Hill neighborhood, and shall be known as and called Pleasant Hill precinct, and the voters may vote at said precinct.

This act shall take effect and be in force from and after its passage.

Approved Nov. 13, 1890.

W. N. JONES, P. C. C. N.

NO. 39.

An act establishing an election precinct in Nashoba County.

Be it enacted by the General Council of the Choctaw Nation assembled, that an additional precinct is hereby established at Good Water, in Nashoba county, and shall be called Good Water precinct, and all the legal voters of Nashoba county are privileged to vote at said precinct in all special and general elections, and this act take effect and be in force from and after its passage.

Approved Nov. 13, 1890.

W. N. JONES, P. C. C. N.

NO. 40.

An act to facilitate the detection of larceny of cattle in the Choctaw Nation.

Be it enacted by the General Council of the Choctaw Nation assembled, that every butcher doing business in this Nation shall keep a written record of the marks and brands of all cattle and hogs purchased for slaughter and from whom purchased; at the end of each month he shall file the same with the Clerk of the County Court in the county in which such butcher does business.

SEC. 2. It shall be the duty of each County Clerk to safely preserve such record so filed and to freely permit the public to inspect the same.

SEC. 3. The violation of any of the provisions of this act shall constitute a misdemeanor, and shall be punished by a fine of not less than \$5 nor more than \$25. In case the offender be a non-citizen, his license as butcher permit shall be revoked.

SEC. 4. This act shall take effect from and after its passage and approval.

Approved Nov. 13, 1890.

W. N. JONES, P. C. C. N.

NO. 41.

To the Senate and House of Representatives:

Your committee on Finance would most respectfully report unto your honorable bodies that George Oaks, Inspector for the south end of the St. Louis & San Francisco railroad, has failed to make any report, hence your committee are unable to ascertain the amount of his collection, nor has he made any report to the National Treasurer.

Therefore be it resolved by the General Council of the Choctaw Nation assembled, that the Principal Chief be and he is hereby directed to cause proper steps to be taken to compel him to make proper report, and to recover immediately all moneys collected by him, and pay the same over to the National Treasurer, and this resolution be in force from and after its passage.

Approved Nov. 14, 1890.

W. N. JONES, P. C. C. N.

NO. 42.

A resolution authorizing Principal Chief of the Choctaw Nation to make appointments, etc.

Be it resolved by the General Council of the Choctaw Nation assembled, that the Principal Chief of the Choctaw Nation is hereby authorized to appoint one or more competent person or persons to investigate W. J. B. Lloyd's account, a former Superintendent of Armstrong Academy, and make a final settlement with the said W. J. B. Lloyd, and make his or their report to next General Council, and this resolution shall take effect and be in force from and after its passage.

Approved Nov. 14, 1890.

W. N. JONES, P. C. C. N.

NO. 43.

An act recognizing the citizenship of Willis Jackson and his family.

Be it enacted by the General Council of the Choctaw Nation assembled; that Willis Jackson, his wife, Mary Jackson and their children, Minnie, Sam, Folsom, Laura and Edmond Jackson, late of the State of Mississippi, are hereby recognized and declared to be citizens of this Nation, and entitled to all the rights, privileges and immunities of other citizens of this Nation, and this act shall take effect and be in force from and after its passage.

Approved Nov. 13, 1890.

W. N. JONES, P. C. C. N.

NO. 44.

An act making appropriation for the relief of Matt Sakki et al.

Be it enacted by the General Council of the Choctaw Nation assembled, that the sum of seventy-five dollars is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the purpose of aiding Matt Sakki, Isaac Simsin and Tom Yark, lately arrived from Mississippi, and to enable them to pay their board and traveling expenses while attending the General Council for the purpose of having themselves recognized as citizens of this Nation, and this act shall take effect and be in force from and after its passage.

Approved Nov. 14, 1890.

W. N. JONES, P. C. C. N.

NO. 45.

An act changing the County Court ground of Scullyville County.

Be it enacted by the General Council of the Choctaw Nation assembled, that the county court ground of Scullyville is hereby removed from what is known as Scullyville court ground to a place at or near the crossing of Buck Creek, on the Fort Smith and Stringtown road, and it shall be called and known as Buck Creek court ground. The county court of Scullyville county shall hold its first session at Buck Creek court ground on the

first Monday in February, 1891, and this act take effect and be in force from and after its passage.

Approved Nov. 14, 1890.

W. N. JONES, P. C. C. N.

NO. 46.

An act making appropriation for the fiscal year, ending July 31, 1891.

Be it enacted by the General Council of the Choctaw Nation assembled, that the following sums of money are hereby appropriated as follows:

Principal Chief	\$ 2,000 00	Clk. Sup. Court	\$ 100 00
Trea. Aud. & Sec.	1,800 00	Clk. Co. Court	1,700 00
National Agent	800 00	Clk. Circuit Court	900 00
National Attorney	400 00	Sheriffs	5,950 00
Private Secretary	500 00	Rangers	850 00
National Lighthouse	950 00	Sheriffs & deputies	
Supreme Judges	1,200 00	attending court	1,800 00
Circuit Judges	1,500 00	Deputy Sheriffs	7,400 00
County Judges	5,950 00	Sheriff attending	
District Chief	150 00	Sup. court	50 00
District Attorneys	950 00	Election Judges	375 00
Election Clerks	260 00	Contingent fund for	
Grand and petit		Treasurer	400 00
jurors	14,900 00	Contingent fund for	
Witness fees for		Secretary	50 00
Circuit court	6,000 00	Publication for Sec.	350 00
Sup. of schools and		Care of Capitol one	
Dist. Trustees	1,800 00	year	50 00
Local Trustees	1,500 00	General Council	9,160 00
Contingent fund for		Light Horse attend-	
Chief	400 00	ing Council	895 00
Contingent fund for		Clerk Citizenship	
Superintendent	450 00	Committee	155 00
Contingent fund for		Students in States	
Dist. Trustees	225 00	16 boys	4,700 00
Contingent fund for		Students in States	
Auditor	400 00	16 girls	4,300 00

NEIGHBORHOOD SCHOOLS.

1st District	\$18,090 00	New Hope Sem.	\$10,000 00
2d. District	18,540 00	Armstrong Acad.	5,500 00
3d District	22,860 00	Wheelock Sem.	5,500 00
Spencer Academy	10,000 00		

SPECIAL APPROPRIATIONS.

Repairing Armstrong Academy	\$7,000 00	Prosecution Choctaw Coal & Ry Co.	\$2,000 00
Repairing Spencer Academy	6,000 00	Publication & translation of laws	2,500 00
Repairing New Hope Seminary	1,000 00	Pay of Ed Spring	\$9 65
		New female sem.	20,000 00
		New male academy	20,000 00

And this act shall take effect and be in force from and after its passage.

Approved Nov. 14, 1890.

W. N. JONES, P. C. C. N.

NO. 48.

An act to defray expenses of committee attending funeral of Ex-Governor Edmond McCurtain.

Be it enacted by the General Council of the Choctaw Nation assembled, that the sum of one hundred and forty-seven dollars and fifty cents is hereby appropriated out of any money in the National Treasury not otherwise appropriated, to defray the actual traveling expenses of committee appointed by the General Council to attend the funeral of Ex-Governor Edmond McCurtain, and upon presentation of Auditor's warrant, the Treasurer shall pay the same.

Sec. 2. That this take effect and be in force from and after its passage.

Approved Nov. 14, 1890.

W. N. JONES, P. C. C. N.

NO. 49.

To the General Council of the Choctaw Nation assembled:

We, your committee to whom was referred the report of Green McCurtain, National Treasurer, would respectfully report as follows. We find that the Treasurer has received revenues as follows, viz:

From the general government	\$61,362 63	Chicago, Kan. & Nebraska	\$ 269 21
Atoka Coal & Mining Co Aug '90	20,493 28	Choctaw Coal & Ry Co.	750 00
Osage Coal & Mining Co July '90	22,551 01	St. L. & S. F. Ry gravel	56 44
S. W. Coal & Improvement Comp'y Aug '90	13,518 75	S. F. Holism	110 90
Collector, 1st District, 1890	6,762 52	C. C. Ry Co. Mining	1,276 45
Collector, 2d District, 1889	522 36	Total	\$153,267 76
Collector, 3d District, 1889		To which add amount recd. from W. N. Jones former treasurer	\$111,091 64
Inspector, North Frisco	2,075 56	Bal. net proceed fund from R. L. Owen	22,438 47
Inspector, South end, 1889	663 00	Making a grand total of	\$286,797 87
Inspector D. & W. V. R. R.	112 72	Less warrants pd by Treasurer during year ending Oct 1, 1890	\$144,242 95
Inspector C. C. & Ry Co.	16,226 04	Leaving balance on hand for acct. current	\$142,554 92
Inspector M. K. & T. Ry	2,933 89		
Frisco right of way Kansas & Valley right of way	2,250 00		
Gulf, Colorado & Santa Fe	57 37		
Southern Kan.	1,125 00		
	149 63		

We find further, that the amounts that coal companies pay to Treasurer do not exactly agree with the weigher's reports. Some-

times companies pay more than weighers and sometimes less, but striking a general average the total amounts agree within a few dollars, so it is not necessary to institute an investigation, and would recommend that the following resolution be passed:

Be it resolved by the General Council of the Choctaw Nation assembled, that the report of Green McCartain, National Treasurer, for the year ending Oct. 1, 1890, showing a balance on hand of \$142,554.92, be accepted as true and correct, and this resolution take effect and be in force from and after its passage.

Approved Nov. 14, 1890.

W. N. JONES, P. C. C. N.

NO. 50.

A resolution in reference to Dr. R. W. Hill's report.

Your committee on schools, to whom was referred the report of different schools, academies and seminaries, find them all to be true and correct, except Dr. R. W. Hill's report. We find a discrepancy against the Nation in the sum of \$300, and ask the passage of the following resolution, to-wit:

Be it resolved by the General Council of the Choctaw Nation assembled, that the Superintendent of the National schools is hereby authorized to make a complete examination of the same in the presence of the said Dr. R. W. Hill, and make his report to the next General Council, and that this resolution shall take effect and be in force from and after its passage.

Approved Nov. 14, 1890.

W. N. JONES, P. C. C. N.

NO. 51.

To the Senate and House of Representatives:

Your committee to whom was referred the report of T. E. Oaks, District Collector for the 3d District, Choctaw Nation, find he collected for the fiscal year ending July, 31, 1890, (\$7,209.18) seven thousand two hundred and nine dollars and eighteen cents, for which he has properly accounted to the National Treasurer.

Therefore be it resolved by the General Council of the Choctaw Nation assembled, that the report of T. E. Oaks, District

Collector for the 3d District, Choctaw Nation, be accepted as true and correct, and this resolution be in force from and after its passage.

Approved Nov. 14, 1890.

W. N. JONES, P. C. C. N.

NO. 52.

A resolution in reference to A. Docking, Superintendent Spencer Academy.

Whereas, a resolution, No. 57, passed and approved last General Council, charging A. Docking as being a discrepancy against the Nation the sum of \$372. The report was made by Dr. R. W. Hill, who was acting Superintendent at that time, and not A. Docking, as was stated in the said resolution No. 57. He is innocent as to the charges preferred against him; therefore we ask the passage of the following resolution, to-wit:

Be it resolved by the General Council of the Choctaw Nation assembled, that the charges preferred against the said A. Docking as being a discrepancy against the Nation of \$372, in the said resolution No. 57, is hereby repealed, and that this resolution shall take effect and be in force from and after its passage.

Approved Nov. 14, 1890.

W. N. JONES, P. C. C. N.

NO. 53.

To the General Council of the Choctaw Nation assembled:

Your committee to whom was referred the report of L. G. Folsom, Collector for the 2d District, Choctaw Nation, find that he collected from all sources the sum of \$330.56 up to Jan. 31, 1890, and makes no report for the balance of the year, and he has not paid any of the collections over to the Treasurer, as the law requires and is culpably negligent under the law.

Therefore be it resolved by the General Council of the Choctaw Nation assembled, that the principal Chief be hereby authorized to take the necessary steps to cause said L. G. Folsom to make final and satisfactory settlement with the Treasurer, and this resolution be in full force and effect from and after its passage.

Approved Nov. 14, 1890.

W. N. JONES, P. C. C. N.

NO. 54.

Whereas, a corporation known as the Choctaw Coal and Railway Company, incorporated under the laws of the State of Minnesota, and chartered by the Congress of the United States, to establish a certain line of railway through the Choctaw Nation with branch roads, and

Whereas, by the terms of their charter they are allowed a branch road in a westerly direction to their coal fields in Tobucksey county, and

Whereas they are building numerous branches or switches, and are contemplating the building of a road in a southerly direction from or near Hartshorn, a station on said branch road, to Denison, or Bonham, Texas, and

Whereas, certain officials of said Choctaw Coal and Railway Company are said to be engaged in speculating in town sites under illegal leases from Choctaw citizens, and are erecting houses, offices, etc., on said leased lands and are renting them, and

Whereas, said leases of land are in direct violation of law, and

Whereas, no contract is recognized for coal or stone for a longer period than six years, and

Whereas, certain citizens have leased said coal for a term of years (viz: 30) not recognized by law.

Sec. 1. Therefore be it enacted by the General Council of the Choctaw Nation assembled, that the Choctaw Council hereby enters a protest against the building of said branch road from Hartshorn south.

Sec. 2. Be it further enacted, that the National Agent is hereby instructed to demand of the officials of the Choctaw Coal and Railway Company that they file within sixty days, evidence that they are not connected directly or indirectly with the town site syndicates; also a copy shall be filed with the principal Chief. If they fail to file such evidence the National Agent shall declare their coal contracts null and void and so notify them.

Sec. 3. Be it further enacted, that the leases for thirty years are hereby declared to be illegal and null and void.

Sec. 4. Be it further enacted, that the Sheriff of each county is hereby instructed to at once diligently inquire into all such illegal leases and report the same to the principal Chief, and that the cause any improvement erected by non-citizens, corporate or

individual, by virtue of said illegal leases, to be advertised for sale in the manner provided by law.

Sec. 5. Be it further enacted, that the principal Chief is hereby authorized to employ competent counsel to represent the interest of the Nation before the United States courts, and the sum of \$2,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the payment of said attorneys. Said amount to be drawn by the principal Chief on his own certificate and disbursed as to him seems best and the remainder, if any, to be paid into the National Treasury. All records in such cases to be filed in the office of the National Secretary.

Sec. 6. Be it further enacted, that a copy of this act be forwarded to the President and Treasurer of said Choctaw Coal and Railway Company by the National Secretary, and that this act shall take effect and be in force from and after its passage.

Approved Nov. 14, 1890.

W. N. JONES, P. C. C. N.

This is to certify that the foregoing is a true and correct copy of the acts of the General Council of the Choctaw Nation, passed and approved at the October term thereof, 1890.

Witness my hand and the great seal of the Choctaw Nation, this the 12th day of December, A. D. 1890.
J. B. JACKSON,
National Secretary, Choctaw Nation.

Choctaw 5665

James M. Coleman

Transferred from Choc. card #D242
5-18-03

5665

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the enrollment
as a citizen by intermarriage of the Choctaw Nation of-

JAMES M. COLEMAN, 7-D-242.

Commission to the Five Civilized Tribes,

Spire, Indian Territory.

In enrollment of James M. Coleman as intermarried Choctaw;
being sworn and examined by Com. McKennon he testifies:

James M. Coleman, sixty-eight years of age.

Q You claim to be an intermarried Choctaw citizen? A Yes sir.

Q You are a white man? A Yes sir.

Q Where and when were you married to a Choctaw citizen?

A I was married to her 17th day of November 1853, in the southwestern part of Alabama, Sumpter County, Alabama. The Choctaw people was still emigrating from that country here when I emigrated.

Q You emigrated with your wife to this country here in 1854?

A Yes sir, September, 1854.

Q Your wife a recognized citizen of the Choctaw Nation here? After she came? A Yes sir.

Q What was her name? A Miss McGarty's sister, Julia Monmouth, she was a Choctaw Indian by blood.

Q And after you came here was recognized as a Choctaw citizen?

A Yes sir.

Q Did you live with her until she died? A Yes sir.

Q When did she die? A 4th of February, 1854.

Q Have you married again? A Yes sir.

Q A Choctaw citizen? A No sir.

Q A white citizen? A Yes sir.

Q When? A In May, 1855.

Q To a white woman and citizen of the United States?

A Yes sir, she was.

Q What is the name of your name? A Yes sir.

Q My name (Mr. McKennon)

(Jas. M. Coleman #2)

Have you lived here ever since in the Choctaw Nation?

A Yes sir.

Q From the time you came here in 1888 up to this present time?

A Yes sir.

Q Have you any children by your first wife? A No sir.

I drew annuity too.

Q (Capt. McK.) Did you draw in 1893 Leased District?

A No sir.

Q What did you draw? A I drew in the 1855 and 6 I think; there was one or two I think after I came to this country.

Q That was while you were living with your wife? A Yes sir.

Q You haven't drawn any since you married the white woman?

A No sir, there hasn't been any since.

Q Wasn't there a payment in 1893? A That was Indian blood.

Q Have ever you been on any roll except this roll of 1896?

A I was on the old enrollment.

Q Have you since you married a white woman been upon any roll except this of 1896? A I don't recollect, I think I have, I am not certain.

Q What time in the year of 1896 or 1897, were you enrolled in 1896 or 1897 on this roll? A I don't recollect, it was under McSwaine's administration.

Q You don't remember whether it was 1896 or 1897? A No sir. It was the regular commission that I was enrolled under; they even enrolled me without me being present.

Department of the Interior,

Commissioner of the General Land Office.

I hereby certify upon my oath as
stamping officer the above statement is true and that this
transcript is a true and correct translation of
my statement.

M. D. Green

Department of the Interior.
Commission to the Five Civilized Tribes.
Wister, I. T., December 17th, 1902.

Choctaw D-242
Intermarried

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In the matter of the application of James M. Coleman for
enrollment as an intermarried citizen of the Choctaw Nation.

James M. Coleman being first duly sworn testified as fol-
lows:

Examination by the Commission.

- Q What is your name? A James M. Coleman.
Q How old are you? A Why, about seventy-one.
Q What is your post office address? A Panther.
Q Is that in the Choctaw Nation? A Yes sir.
Q How long have you been a resident of the Choctaw Nation?
A Pretty near forty-eight years, sir.
Q Have you lived here continuously for the past forty-eight years?
A Yes sir.
Q Never made your home anywhere else during that time? A No sir.
Q Do you claim intermarried rights in the Choctaw Nation?
A Yes sir.
Q What is the name of the Choctaw woman through whom you claim
these rights? A Montoreeff.
Q What is her first name? A Julia.
Q Was she a recognized citizen of the Choctaw Nation? A She was,
sir.
Q Were her rights as such ever disputed? A No sir.
Q When were you married to Julia Montoreeff? A Married in 1853,
7th day of November.
Q Where was this marriage ceremony performed? A Sumpter county,
Alabama, joining Mississippi.
Q At that time were both you and your wife residents of Mississippi?
A At that time residents of this country?
Q Mississippi I say? A We was both raised there.
Q You were living there at that time? A Yes sir, we was living
there at that time.
Q Were you married under the laws of the state of Mississippi?
A Or Alabama; it was all the same thing.
Q How soon after this marriage did you remove to the Territory?
A About a year or so.
Q Have you lived here ever since? A Lived here ever since.
Q Were you ever married previous to your marriage to Julia Mont-
oreeff? A No sir.
Q Was she ever married previous to her marriage to you? A No sir.
Q How long did you live with her as her husband? A About eleven
years.
Q Did she die at the end of that time or did you separate?
A Yes sir, she died.

James M. Coleman-----2

- Q Did you live with her continuously up to the time of her death as her husband? A Yes sir.
- Q How was she ever recognized as a citizen of the Choctaw Nation?
- A Well, when we came to this country here we emigrated after they had stopped emigration from that country, and when we got here I had to prove who she was and her rights here.
- Q To whom did you prove up those rights? A Under an enrolling officer.
- Q Of the Nation? A Yes sir.
- Q Who was that man? A Tandy Walker--Colonel Walker.
- Q Was your wife accepted at that time as a citizen by blood of the Choctaw nation? A Yes sir.

By Simon Lewis:

- Q Didn't you draw rations for a certain length of time after you got here? A I drawed rations for the first twelve months.
- Q You and your family? A Me and my family.

By the Commission:

- Q After the death of your first wife did you remarry? A Yes sir.
- Q What was the name of your second wife? A Her name was McCarren.
- Q Was she a white woman? A Yes sir.
- Q When were you married to her? A I was married to her in '69, the 10th day of May.
- Q How long did you live with her? A She died in '94.
- Q Did you live with her until her death? A Yes sir.
- Q Since her death have you remarried? A No sir.
- Q Ever since your first removal to this country you have been an actual and bona fide resident of the Choctaw Nation? A Yes sir.
- Q Have you always been recognized as a citizen by intermarriage of the Choctaw Nation? A Always have, sir.

By Simon Lewis:

- Q Do you remember the exact date of your Choctaw wife's death?
- A Yes sir.
- Q What was the date? A That was the 4th of February, '91.
- Q That was before the war ended? A Yes sir.
- Q How many slaves did you turn loose here? A Well several of them had run off and gone. There was eight I think at that time.
- Q Right at that time? A Yes sir.
- Q You was the only heir your wife had? A Yes sir.
- Q Your wife left no children? A No sir.
- Q Were part of them yours? A Yes sir.
- Q And part of them were hers? A Yes sir.
- Q And when she died you heired the balance? A Yes sir.
- Q Now, what are the slaves that was enrolled here belonging to you?
- A Yes sir.

Jy 11 11. Coleman-----3

Albert G. McMillan being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 17th day of December, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 29 day of January, 1903.

Charles H. Hansen
Notary Public.

7-D-242

LGD

J. H. A.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
James M. Coleman as a citizen by intermarriage of the Choctaw Nation.

- D E C I S I O N -

It appears from the census card record in this case that James M. Coleman appeared before the Commission at Spiro, Indian Territory, June 14, 1899, and made personal application for enrollment as a citizen by intermarriage of the Choctaw Nation. Further proceedings were had in the matter of this application at Wister, Indian Territory, December 17, 1902.

It further appears from the record in this case that the applicant herein claims his right to enrollment as a citizen of the Choctaw Nation by virtue of his marriage, on September 17, 1853, in Sumpter County, Alabama, to Julia Montcreef, a citizen by blood of the Choctaw Nation; that in 1854 the applicant herein removed from the State of Alabama with his said wife and settled in the Choctaw Nation where they lived as husband and wife until her death, on February 4, 1861; that on May 26, 1869, the applicant was married to a white woman, with whom he lived until her death in 1894.

It is further shown from the testimony herein that the applicant's first wife was recognized by the Choctaw tribal authorities as a citizen by blood of the Choctaw Nation, when they came to Indian Territory in 1854; that they drew rations for a period of one year and that the applicant herein has always been recognized as a citizen by intermarriage of the Choctaw Nation.

On examination of the tribal rolls of the Choctaw Nation in the possession of the Commission the name of the applicant, as Jas. M. Coleman, is identified on the 1896 Choctaw census roll, No. 14381, as a citizen by intermarriage of said nation.

It further appears from the record herein that the said James M. Coleman was a resident in good faith of the Choctaw Nation on June 28, 1898, and had been for more than forty years prior thereto, and that since the death of his second wife, in 1894, he had not again married up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that James M. Coleman should be enrolled as a citizen by intermarriage

James M. Coleman-2

of the Choctaw Nation under the provisions of the Acts of Congress
approved June 28, 1898 (30 Stats., 495) and July 1, 1902 (32 Stats.,
641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

APR 25 1903

COPY

60000-2-242

Washington, Indian Territory, April 25, 1903.

James H. Coleman,

Panther, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission, rendered April 25, 1903, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully, OBTAINED

Tama Birby

Assistant

Registered

No. 1,234, 567

COPY.

Chester-D-242

Muskogee, Indian Territory, April 23, 1903.

Mansfield, McMurray & Gornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered April 23, 1903, granting the application of James M. Coleman for enrollment as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed, the name of the applicant will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED,

Tams Bixby.

Chairman.

Registered.

Enc. I.B.S. 104

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Muskogee, Indian Territory, September 9, 1901.

A. Telle,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 30th, in which you desire to be informed of the status of the case of J. M. Coleman, and upon what ground the Nation protests to his enrollment.

You are informed that the records of this office show that James M. Coleman, 68 years of age, is listed as a doubtful claimant to citizenship in the Choctaw Nation, claiming his right to enrollment by reason of his marriage to Julia Noncouch, a Choctaw Indian by blood.

There is no record of any protest to his enrollment ever having been filed by the Choctaw and Chickasaw Nations.

Yours truly,

Commissioner in Charge.

7-D-242

Joseph G. Ralls,
Attorney and Counselor,
Atoka, Ind Ter.

Chas. 216
Chas. B-242

September 7, 1904.

Commission to the
Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen :-

I am in receipt of yours enclosing an order dismissing the case of Daisy Shelton, et al., and beg to inform you that I desire to appeal this case to the Secretary of the Interior, and to have you transmit with the record the brief that I filed with the Secretary in this case. I desire the case to be submitted to the Attorney General of the United States for his opinion on the questions recited. It seems to me that it is such a clear proposition of law that the Commissioner of Indian Affairs when it reaches him should order all of these people enrolled. If not, I am satisfied that the Attorney General of the United States will hold that the proceedings of the Commission under the Act of June 10, 1896, and also the proceeding before the Court are null and void. I am satisfied I could go into the Federal Court and sue out a writ of mandamus compelling you to enroll these people but I believe I can get the case disposed of quicker and favorably by getting the matter submitted to the Department.

Very respectfully,

J. G. Ralls.

Choctaw 5666

Lizzie Bell

Transferred from Choc. card # D81

5-16-03

5666

Indian Territory }
Southern District }

E. F. Colbert being duly sworn on his oath states that he was duly elected and qualified as County & Probate Judge of Pickens County, Chickasaw Nation, Ind. Ter. and held said office from Aug 1896 to Oct 1897 and while he was such officer under the laws of the Chickasaw Nation he did as County & Probate Judge of said Pickens County issue a Marriage license to H. A. Bell a U. S. Citizen and Lizzie Harrison formerly Mayfield, an intermarried Choctaw Indian and did perform the marriage ceremony between said parties under said license and said license was then duly certified & returned to & recorded as required by Chickasaw Laws. That the records of the County & Probate Clerks office has since been destroyed by fire and the record of said marriage is now no longer in existence.

E. F. Colbert.

Subscribed & sworn to before me this 14th day of Oct 1897

William Riley
Notary Public

Marriage Lic.
of
Daniel Harmon
Ed Lizzie Mayfield
dated 16th May

Chester D-41.

Muskogee, Indian Territory, February 26, 1902.

Lissie Bell,

Purdy, Indian Territory.

You are hereby notified that your application for enrollment as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 3rd day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

T. B. Needles.

Register.

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 3, 1902.

.....
Lizzie Bell ..
.....
vs. D-81.
.....
The Choctaw Nation. ..
.....

In the matter of the application of Lizzie Bell for
enrollment as a citizen by intermarriage of the Choctaw Nation.

On the 26th day of February, 1902, the applicant was
notified by registered mail, and on the 6th day of March, 1902, the
attorneys for the Choctaw and Chickasaw Nations were also notified
by registered mail, that the application of Lizzie Bell for enroll-
ment as a citizen of the Choctaw Nation would be taken up by the
Commission to the Five Civilized Tribes, at its office in Muskogee,
Indian Territory, on the 3rd day of April, 1902, for final consid-
eration.

Now, on this 3rd day of April, 1902, this cause coming
on to be heard pursuant to said notice, the following procedure was
had.

APPEARANCES:-

Lizzie Bell, the applicant in person.	:	No appearance on behalf of the Choctaw and Chickasaw Nations.
A. Telle, attorney for the applicant.	:	
J. E. Halls, attorney for the applicant. <i>Attest</i>	:	
E. L. Herbert, attorney for the applicant. <i>Attest</i>	:	

Lissie Bell, being first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A My name is Bell-----Dizzie Bell.
Q What is your age? A I am thirty-six.
Q What is your post office address? A Purdy.
Q Chickasaw Nation? A Yes sir, Chickasaw Nation.
Q Indian Territory-----are you a white woman? A Yes sir, I am a white woman.
Q What is your father's name? A My father's name-----Mayfield.
Q Alexander Mayfield? A Yes sir.
Q What was your mother's name? A Her name was Brown.
Q Well, what was her given name? A Her name was Roxy.
Q Roxanna? A Yes sir, Roxanna.
Q Did you ever apply to the Dawes Commission for admission? A Yes sir.
Q When, the first time? A Why, I don't remember the date-----it must have been in '86 or '87.
Q You mean '86? A Yes sir, '86. They wasn't in this country. We had to apply through the
Q Make out your written application and serve it on the Governor?
A Yes sir, I had to have two sets of papers. One was sent to the Governor and one to the Dawes Commission.

By the Commission.

The record of the Commission shows that this applicant applied in 1886, Dawes Commission case No. 636, and was admitted as an intermarried citizen by the Commission, and no appeal taken.

- Q What was your Choctaw husband's name? A His given name was Daniel Harrison.
Q When did you marry him? A I married him May 10, 1885.
Q Did you live with him up till the time of his death? A I did.
Q When did he die? A He died August the 12, in 1888.
Q Since his death have you married again? A Yes sir.
Q How did you marry? A Harvey A. Bell.
Q He is a white man is he? A Yes sir.
Q When did you marry him? A I married him in 1890, October the 10th.
Q You were not under that law in 1890? A I married him under the Federal Statute Law.
Q Did you marry before that? A Yes sir.

(3).

- Q When? A I forget the year; it must have been along in '96, '95 or '96, I don't remember; I couldn't say positively the year.
- Q The record shows in '96. Do you remember what time in '98 you re-married under the Chickasaw law? A No sir, I don't. It seems to me that it must have been July, July or August, I don't remember.
- Q July or August-----was it before you made your application to the Commission? A No sir, it wasn't before that I made my application to the Dawes Commission.
- Q But you did marry him the first time under the United States law, in 1890? A Yes sir.

By A. Telle:

Being no point of contest made, we simply submit this case on the evidence and record as made.

By the Commission:

This case will be considered by the Commission upon the record as now made up.

By A. Telle:

The applicant, Lissie Bell, requests that the evidence in this case be considered also in the case of her husband, Harvey A. Bell, No. 423.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 6, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me 11 day of April, 1902.

Consent of Hal Belford

Choctaw, D. 81.

Department of the Interior,
Commission to the Five Civilized Tribes.
Armore, I. T., October 30, 1902.

In the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of Lizzie Bell.

Lizzie Bell being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Lizzie Bell.
Q How old are you? A (27) Thirty-seven.
Q What is your post office address? A Purdy.
Q How long have you resided in the Chickasaw Nation? A Ever since I was ten years old.
Q Lived here continuously for that length of time? A Yes sir.
Q You are a white woman? A Yes sir.
Q You claim your right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of your marriage in 1883 to a Choctaw Indian named Daniel Harrison? A Yes sir.
Q Were you ever married prior to that time? A No sir.
Q Was he ever previously married? A Yes sir.
Q How many times? A Once.
Q Was his former wife dead? A No sir.
Q Were they divorced? A Yes sir.
Q You lived with Harrison how long? A From May, 1883, until August, 1888.
Q Up until the time of his death? A Yes sir.
Q Then you subsequently remarried a white man? A Yes sir.
Q When was that? A In '90 I believe.
Q Whom did you marry then? A Harvey A. Bell.
Q In 1888 you made application to the Dawes Commission to be admitted as an intermarried citizen? A Yes sir.
Q Were you admitted? A Yes sir.
Q In your petition at that time did you recite the fact that you had remarried a white man since the death of your Choctaw husband? A Yes sir.
Q Have you since your admission in 1888 maintained a continuous residence in the Chickasaw Nation? A Yes sir.
Q Always have lived here? A Yes sir.
Q Your husband, Harrison, was a recognized citizen of the Choctaw Nation? A Yes sir.

W. R. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Armore, I. T., on the 30th day of October, 1902, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

Subscribed and sworn to before me this 7 day of November, 1902.

C. S. Stephens
Notary Public.

L. S. D.
G. R. H.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Lizzie Bell as a citizen by intermarriage of the Choctaw Nation.

DECISION.

It appears from the census card record in this case that Lizzie Bell appeared before the Commission at Duncan, Indian Territory, October 17, 1898, and made personal application for enrollment as a citizen by intermarriage of the Choctaw Nation. Further proceedings were had in the matter of this application at Muskogee, Indian Territory, April 3, 1902, and at Ardmore, Indian Territory, October 30, 1902.

It further appears from the records in the possession of the Commission that on September 7, 1896, in the case entitled "Lizzie Bell vs. the Choctaw Nation," (1896 Choctaw docket "C", number 638), the applicant herein made original application to this Commission under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321), for admission to citizenship in the Choctaw Nation, claiming her rights thereto by virtue of her marriage with Daniel Harrison, a recognized citizen of the Choctaw Nation, and on December 2, 1896, the said Lizzie Bell was by this Commission admitted to citizenship in the Choctaw Nation as a citizen by intermarriage, from which decision of the Commission no appeal was taken.

It further appears from the evidence in this case that the applicant herein has always been a resident of Indian Territory, and that her status as a citizen by intermarriage of the Choctaw Nation on September 25, 1902, was the same as on the date of her admission by the Commission in 1896.

It is, therefore, the opinion of this Commission that Lizzie Bell should be enrolled as a citizen by intermarriage of the Choctaw Nation under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.

Muskogee, Indian Territory,


Commissioner.

MAY 1 1903

copy

Chectaw D-81.

Muskogee, Indian Territory, May 1, 1903.

Lizzie Bell,

Purdy, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission, rendered May 1, 1903, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation, to be submitted to the Secretary of the Interior for his approval.

Respectfully, (SIGNED)

Tams Dixey.
Chairman.

Registered.

Enc. ALI. 84.

Choctaw D-81.

COPY.

Muskogee, Indian Territory, May 1, 1903.

J. G. Halls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission, rendered May 1, 1903, granting the application for the enrollment of Lizzie Bell as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, the applicant's name will be placed upon the final rolls of the citizens of the Choctaw Nation, to be submitted to the Secretary of the Interior for his approval.

Respectfully,
C. W. H. H.

James B. H. H.
Chairman.

Registered.

Enc. All. 49.

COPY

Choctaw 2-61.

Muskogee, Indian Territory, May 1, 1903.

C. L. Herbert,
Attorney at Law,
Armore, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission, rendered May 1, 1903, granting the application for the enrollment of Lizzie Bell as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, the applicant's name will be placed upon the final rolls of the citizens of the Choctaw Nation, to be submitted to the Secretary of the Interior for his approval.

Respectfully,
THOMAS

Thomas Bixby
Chairman

Registered.

Enc. 221. 29.

Choctaw D-21.

COPY.

Muskogee, Indian Territory, May 1, 1903.

Mansfield, McMurray & Gernish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered May 1, 1903, granting the application for the enrollment of Lizzie Bell as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, the name of the applicant will be placed upon the final rolls of the citizens of the Choctaw Nation, to be submitted to the Secretary of the Interior for his approval.

Respectfully,

James Birney
Chairman.

Registered.

Enc. ALI. 37.

Chectaw D 81
Chectaw D 683

Muskogee, Indian Territory, April 29, 1902

M. S. Wheeler,

Bradley, Indian Territory.

Dear Sir:

Your letter of the 17th instant, addressed to the Secretary of the Interior, Washington, D. C., has been by him referred to this Commission for consideration and appropriate action.

Therein you desire to be advised if H. A. Bell who married Lisa Harrison, the widow of Daniel Harrison, a citizen by blood of the Chectaw Nation, can hold a claim in Oklahoma and at the same time maintain possession of and receive rents from lands in the Chickasaw Nation.

Replying to your inquiry you are advised that the Commission can render no opinion or any information relative to the holding of allotments in the Kiowa-Comanche country in Oklahoma. This is a matter over which the Commission has no jurisdiction and information of this subject should be requested from the United States Land Agent for the District in which Mr. Bell is maintaining his holding.

You are advised that it appears from our records that both Harvey A. Bell and his wife, Lizzie Bell are applicants to this Commission for enrollment as citizens by intermarriage of the

MSW

Choctaw Nation and their rights to such enrollment have not been determined by the Commission up to this time.

It is probable that a decision will be rendered in these cases at an early date and in the event that such decision is unfavorable to the applicants they will be duly advised thereof and of the forwarding of the record in the case to the Secretary of the Interior for his review.

Yours truly,

Commissioner in Charge.

RECEIVED
MAY 11 1904

7-2-22
7-2-22

Washoe, Indian Territory, August 9, 1908.

Yerker E. Taylor,
Attorney at Law,
Pauls Valley, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th instant, in which you desire to be advised if Harve or Lissie Bell have been listed for enrollment by this Commission.

Replying to your inquiry you are advised that Lissie Bell, thirty-six years of age, of Purdy, Indian Territory, is an applicant to this Commission for enrollment as a citizen by intermarriage of the Choctaw Nation. It further appears that under the act of Congress of June 18, 1906, this applicant was admitted as an intermarried citizen of the Choctaw Nation by the Commission to the Five Civilized Tribes.

Harvey A. Bell is also an applicant to this Commission for enrollment as an intermarried citizen of the Choctaw Nation, claiming such right by reason of his marriage to the above named Lissie Bell.

No decision has been rendered in the matter of the application for enrollment of either of the above named persons and it is probable that no final action will be taken until after the

1902.

Y. B. T. and S.

disposition of the pending agreement between the United States and the Chester and Chickasaw Nations. When such decision is rendered the applicants will be duly advised thereof and of the forwarding of the record in the case to the Secretary of the Interior for review.

Yours truly,

Acting Chairman.

Choctaw D 81

Muskogee, Indian Territory, March 11, 1903.

F. M. Tiner,

Globe, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of February 27, stating that you desire to file on certain land which is claimed by Lissy Bell, as she has no right to an allotment.

In reply to your letter you are advised that it appears from our records that Lizzie Bell has been listed among the doubtful claimants to enrollment as an intermarried citizen of the Choctaw Nation, and her final right to such enrollment has not yet been determined.

You are further advised that the land upon which doubtful or contested claimants to enrollment have improvements, not in excess of lawful allotments, will not be allotted to any citizen until the rights of the said doubtful or contested claimant are finally determined.

Respectfully,

Chairman.

Chester D. El

Waskogie, Indian Territory, October 9, 1902.

High Harrison,

Reiley, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 30, 1902, in which you desire to be advised if Mrs. Lissie Bell, the wife of H. A. Bell, has been listed for enrollment by this Commission on the Choctaw roll and if a decision has been rendered in her case.

In reply to your letter you are advised that it appears from the records of this office that Lissie Bell, the wife of Harvey O. Bell, of Purdy, Indian Territory, is an applicant to this Commission for enrollment as a citizen by intermarriage of the Choctaw Nation. It further appears that this applicant was admitted as an intermarried citizen of the Choctaw Nation by the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896.

No decision has been rendered in the matter of the application of Lissie Bell for enrollment as a citizen by intermarriage of the Choctaw Nation, but when such decision is rendered

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the applicant will be duly advised thereof and of the forwarding of the record in the case to the Secretary of the Interior for review.

Respectfully,

Acting Chairman.

Leggii Belli age 32

Int. Choc. Kimberly in the
List.

Admitted by Robert Jones. Date
638. 17th April.

Remained to Samson Harrison a
Choc.) in 1883 - He died in
1888 -

Remained to Harriet H. Jones a woman
made in 1893 - under U.S. law. 28/

2

Remained to Bell in Aug 1896
under Chas. Case -

William Case

History

D81

Choctaw 5667

F.C. Blakely

Transferred from Choc. card #D 85

5-16-03

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

The record in the matter of the application for the enrollment as a citizen by intermarriage of the Choctaw Nation of -

F. C. BLAKELY, - - - - Choctaw D-85.

Southern District:

ISS

Indian Territory :

Before me P.B.Monical the undersigned authority, personally appeared, Jno. C. Bradshaw to me well known, who being duly sworn deposes and says: I am 36 years old, have lived in the Indian Territory since 1870. I am a Chickasaw Citizen by marriage. I know F.C. Blakely, I have known him since 1875. He has lived in the Chickasaw Nation all the time since I first knew him to the office of the County Judge of Tishomingo county Chickasaw Nation and he the said Blakely procured a marriage license at that time (May 22nd 1878) to be joined in holy wedlock to one Martha Mann nee Martha Hall; and on the following day May 23rd 1878 the said ~~Martha Mann~~ Martha Mann and F.C. Blakely were married in my presence in due form and according to the custom of the Chickasaw laws. The said Martha Mann was the daughter of Perry and Patsy Hall who were Choctaw Indians by blood. I knew the said Martha Mann prior to her marriage with the said Blakely also knew her father and mother (Perry and Patsy Hall) well prior to that time.

After the said marriage of the said Blakely he and his said wife lived together as husband and wife till her death which occurred some two years after their marriage; a part of that time I was living with them and know that they lived together till her death. They had one child born to them, Perry H. Blakely, afterward so named.

John C. Bradshaw

Sworn to and subscribed before me this 5th. day of October 1880 A.D.

P.B. Monical
Notary public Southern District
Indian Territory.

Recorded

This the 2nd
day of March
1883.

Wm. H. Weston

Esq.

[Signature]

Quoted -

One dollar

$\$1.00$ Quare.

Pickens county Chickasaw nation just
January the 23rd A.D. 1883

This is to certify that we
do have this day joined in
matrimony the with in named
person as has been our wife
given under our hand
this the Day and Date given under
my hand this the Day and date
a Born given

) Rev. D. R. Davis

Office of County Judge
Pecos County N.M.

To whom these presents may

Come Greeting

Know Ye

That application has
made by J. E. Blakely a citizen of the
Chickasaw Nation and Issabella Dickerson a
citizen for authority to be united in
marriage they having complied with the
laws regulating the same

Therefore there are to authorize
any Judge of this Nation or an ordained minister
of the Gospel to unite in marriage the above
named parties and the officiating party to issue
a certificate of marriage and the same must be
recorded in Clerk's Office under penalty of law
Given under my hand and official signature
this 14th day of January A.D. 1883

J. F. Fawcett
County and Probate Judge
Pecos County N.M.

1878
Tishomingo Co. Mo. May 22
Tishomingo County

Know all men by these Presents
~~That I J. H. Wolf~~
Judge of Probate Judge of Tishomingo
County do by Authority in me
vested by the laws & constitution of
The Chickasaw Nation Grant unto
Mr F. C. Blakey a citizen of the United
States license to marry Mrs Martha
Mann a citizen of this Nation.

Given under my hand and seal
of office this 22 day of May
1878

Wm. J. Evans
Clerk of Court

J. H. Wolf
Judge
of T. C. C.

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The Commission D-45.

Muskogee, Indian Territory, February 26, 1908.

P. S. Eakely,

Rush Springs, Indian Territory.

You are hereby notified that the application for enrollment of yourself as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 1st day of April, 1908.

On said date, you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Choctaw Nation will also at the same time be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

T. P. Whittles

Department of the Interior
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 3, 1902.

.....
F. C. Blakeley ..
vs. .. D-85.
.....
The Choctaw Nation. ..
.....

In the matter of the application of F. C. Blakeley for
enrollment as a citizen by intermarriage of the Choctaw Nation.

On the 26th day of February, 1902, the applicant was
notified by registered mail, and on the 6th day of March, 1902, the
attorneys for the Choctaw and Chickasaw Nations were also notified
by registered mail that the application of F. C. Blakeley for enroll-
ment as a citizen of the Choctaw Nation would be taken up by the Com-
mission to the Five Civilized Tribes, at its office in Muskogee, Ind-
ian Territory, on the 3rd day of April, 1902, for final consideration.
Now, on this 3rd day of April, 1902, this cause coming
on to be heard pursuant to said notice, the following procedure was
had.

APPEARANCES:

A. Telle, attorney for
the applicant.

J. G. Halls, attorney for
the applicant.

G. L. Herbert, attorney
for the applicant.

No appearance on behalf
of the Choctaw and Chickasaw
Nations.

(2).

By Attorney C. L. Herbert:

Applicant asks that reference be made to Dawes Commission case Number 865, and that the same be considered as a part of the record in this case.

By the Commission:

This case will be considered by the Commission upon the record as now made up.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on the 3rd day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 4 day of April, 1902.

Wm. H. Belford
Notary Public.

7-D-85

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Chickasha, Indian Territory, October 16, 1902.

In the matter of the application for enrollment of Fred C. Blakely as a citizen by intermarriage of the Choctaw Nation.

Said Fred C. Blakely, being first duly sworn, testified as follows:

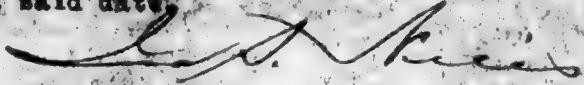
Examination by the Commission.

Q What is your name? A Fred C. Blakely.
Q How old are you? A Forty-six.
Q What is your postoffice address? A Rush Springs.
Q How long have you lived at Rush Springs? A Well, I've been living right there since '86--I've been in the country about twenty-seven years.
Q In the Chickasaw Nation? A Yes sir.
Q Continuously for that length of time you have lived in the Chickasaw Nation? A Yes sir.
Q You are an applicant for enrollment as a citizen by intermarriage of the Choctaw Nation? A Yes sir.
Q What is the name of the Choctaw citizen through whom you claim your intermarried rights? A Martha Mann, formerly Martha Hall.
Q Her maiden name was Hall? A Yes sir.
Q She married a man by the name of Mann? A Yes sir.
Q And he was deceased at the time of your marriage to her? A Yes sir.
Q Was she a recognized citizen of the Choctaw Nation? A Yes sir.
Q When did she die? A She died June 11, 1880--I think that's right.
Q Have you, since her death, married again? A Yes sir.
Q How many times? A Once.
Q What's the name of your second wife? A Her name was Isabella Dickinson.
Q She is a white woman? A Yes sir.
Q Are you living with her at this time? A Yes sir.
Q And you have ever since your marriage to her been living with her? A Yes sir.
Q Were you an applicant to this Commission for citizenship in the Choctaw Nation in the year 1896 as a citizen by intermarriage? A Yes sir.
Q Was your application granted or denied by this Commission? A Granted, so I was informed.
Q At the time of your admission you were married to Isabella Dickinson? A Yes sir.
Q And there has never been any separation or divorce between you since that time? A No sir.
Q You are living together at this time as husband and wife and are both bona fide residents of the Chickasaw Nation, are you? A Yes sir.

Ira B. Niles, being first duly sworn, states that as stenogra-

Fred C. Blakely-2

pher to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause heard at Chickasha, Indian Territory, October 16, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.


Subscribed and sworn to before me this 17 day of October, 1902.



Notary Public.

7 D-85.

LGD.
JRA

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
F. C. Blakely as a citizen by intermarriage of the Choctaw Nation.

DECISION.

It appears from the census card record in this case that F. C. Blakely appeared before the Commission at Duncan, Indian Territory, October 18, 1898, and made personal application for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation. Further proceedings were had in the matter of this application at Muskogee, Indian Territory, April 3, 1902, and at Chickasha, Indian Territory, October 16, 1902.

It further appears from the records in the possession of the Commission that on September 5, 1896, in the case entitled "F. C. Blakely vs. the Choctaw Nation," (1896 Choctaw Docket "C", No. 865), the applicant herein made original application to this Commission under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), for admission to citizenship in the Choctaw Nation, and on December 4, 1896, the said F. C. Blakely was by this Commission admitted to citizenship in the Choctaw Nation as a citizen by intermarriage of said nation, from which decision no appeal was taken.

The evidence in this case further shows that the applicant herein was a resident in good faith of Indian Territory on June 28, 1898, and had been for more than twenty-five years prior thereto, and that his status as an intermarried citizen of the Choctaw Nation remained unchanged from the date of his said admission to citizenship in 1896 up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that F. C. Blakely should be enrolled as a citizen by intermarriage of the Choctaw Nation, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Acting Chairman.


Commissioner.

Muskogee, Indian Territory,

MAY 1 1903


Commissioner.

Choctaw D-25.

COPY.

Muskogee, Indian Territory, May 1, 1903.

F. C. Blakely,

Wash Springs, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission, rendered May 1, 1903, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation, to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Yours very truly,

Tams Bixby,
Chairman.

Registered.

Reg. A.M. 45.

COPY.

Choctaw D-85.

Muskogee, Indian Territory, May 1, 1903.

J. G. Halls,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission, rendered May 1, 1903, granting the application for the enrollment of F. G. Blakely as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, the name of the applicant will be placed upon the final rolls of the citizens of the Choctaw Nation, to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tama Bixby.

Chairman.

Registered.

Ind. ALI. 55.

Choctaw D-85.

COPY.

Muskogee, Indian Territory, May 1, 1903.

C. L. Herbert,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission, rendered May 1, 1903, granting the application for the enrollment of F. C. Blakely, as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, the name of the applicant will be placed upon the final rolls of the citizens of the Choctaw Nation, to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Jams Bixby

Chairman.

Registered.

Enc. ALI. 86.

Chester D-88.

COPY:

Muskogee, Indian Territory, May 1, 1903.

Mansfield, McMurray & Cornish,
Attorneys for Chectaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered May 1, 1903, granting the application for the enrollment of F. C. Blakely as a citizen by intermarriage of the Chectaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Chectaw Nation. If at the expiration of that time no protest has been filed, the name of the applicant will be placed upon the final rolls of the citizens of the Chectaw Nation, to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tama Bixby

Chairman.

Registered.

Enc. ALI. 41.

Choc
T. C. Bishop age 42
Int Choc. residing in Cho Dist -

admitted by same Com Case

865- (no appeal) admitted as Bishop

Marrried to Martha Mann nee Hall
a Choctaw Indian. on May 23rd 1878
she died July 11th 1880

Marrried to Isabelle Dickson a white
woman in Jan 1883 under Okl. law.

(white card)

DPB
ok Bishop

Choctaw 5666

Thomas J. Choctaw
(Choctaw)

Transferred from Choctaw CARD #D 152

5-16-03

"Copy"

70152

Marriage License & Certificate

Thomas Costin

to
Myra Willis

To any person legally authorized
to solemnize the rites of Matrimony
You are hereby authorized to solemnize
the rites of Matrimony between
Thomas Castin a white man, who
has complied with all the requirements
of the law and Myra Willis a
Choctaw Woman, and attach your
Certificate to this license.

Given under my hand this 20th
day of October 1887

S. E. Lewis

Circuit Judge 1st Judicial
Circuit Choctaw Nation

One himak Nitak a Katak Choyo
ittatuklo kokchips James Kasta,
Mya Willis. Waklapa ittihalulli
Chilishke Julius M. H. Kay Sin
Nov 22nd Ad. 1887.

Choctaw Nation & A. H. McClure Clerk in and for the
Tobacco County & County of Tobacco Choctaw Nation Ind. T.
Indian Territory. Do hereby Certify that the above and foregoing
is a true and correct copy of the original as
is now on record in my office in Book A. Page 482
of Tobacco County Court records

In Testimony Whereof I have hereunto set my hand and seal of
the County Court of Tobacco this 22nd day of Dec 1898

A. H. McClure Clerk

2-117.

Choctaw B. #152.
Intermarried.

Department of the Interior
Commission to the Five Civilized Tribes.
South McAlester, Indian Territory.
December 23, 1902.

-:-

In the matter of the application of Thomas J. Casten for
enrollment as an intermarried citizen of the Choctaw Nation.

Thomas J. Casten being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Thomas J. Casten.
Q How old are you? A Forty-nine years old.
Q What is your post office address? A Canadian.
Q That is in the Choctaw Nation? A Yes, sir.
Q How long have you been a resident of the Choctaw Nation? A
About 12 or 13 years.
Q Have you lived here continuously for the past 18 years? A
Yes, sir.
Q Never made your home anywhere else during that time? A No,
sir.
Q Do you claim intermarried rights in the Choctaw Nation? A
Yes, sir.
Q What is the name of the Choctaw woman through whom you claim
these rights? A Myra Willis.
Q Was she a recognized and enrolled citizen of the Choctaw Nation?
A Yes, sir.
Q Were her rights as such ever disputed? A No, sir.
Q When were you married to Myra Willis? A About 12 or
13 years.
Q Where was this marriage ceremony performed? A Kiowa.
Q At that time were both you and your wife bona fide residents
of the Choctaw Nation? A Yes, sir.
Q Were you married in accordance with the Choctaw tribal laws?
A Yes, sir.
Q Did you obtain a tribal license? A Yes, sir.
Q From whom did you get that license? A Judge Lewis.
Q Of what county? A Kiowa.
Q How much did you pay for that license? A I believe \$25.
Q Who performed the marriage ceremony? A I can't tell his name.
Q Minister of the gospel? A Yes, sir.
Q Were you ever married before your marriage to Myra Willis?
A No, sir.
Q Was she ever married before her marriage to you? A No, sir.
Q After that marriage how long did you live together as husband
and wife? A About 12 or 13 years.
Q At the end of that time did you separate? A Yes, sir.
Q What was the cause of that separation? A I married her and
she wanted to go back after her first husband was through.
I started her on her way, as I thought and she didn't
want to go back.
Q How long ago? A About 12 or 13 years.

Choctaw D. #152.
Intermarried.

- Q You never actually lived together as husband and wife? A Yes, sir.
- Q You left her at this school during that time? A Yes, sir left her just so as to be there on the last day of school.
- Q Did you obtain a divorce from her? A Yes, sir.
- Q Upon what grounds? A She wouldn't come with me and by my wife.
- Q Did you ever marry again? A No, sir.
- Q Never married any other woman except Myra Willis? No, sir.
- Q Were you an applicant before this Commission in 1896 for admission to citizen ship in the Choctaw Nation? A I suppose so Well I don't understand you much.
- Q Were you an applicant before this Commission in 1896? A Yes, sir.
- Q Did you then apply as an intermarried citizen? A Yes, sir.
- Q What action was taken by the Commission upon your application at that time? A Never was refused by anybody.
- Q Were you admitted? A Yes, sir.
- Q Did you receive notice to that effect? Yes, sir.
- Q Was your case ever appealed to the United States Court? A I don't know.

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause and that the foregoing is a full true and correct transcript of his stenographic notes taken in said cause on said date.

Chas. Diffendaffer
Subscribed and sworn to before me this 8th day of January 1903.

Charles H. Sawyer
Notary Public.

480
G.H.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Thomas J. Costen as a citizen by intermarriage of the Choctaw Na-
tion.

D E C I S I O N.

It appears from the record herein that Thomas J. Costen appeared before the Commission at Goodland, Indian Territory, on May 10, 1899, and made personal application for enrollment as a citizen by intermarriage of the Choctaw Nation. Further proceedings were had in the matter of this application at South McAlester, Indian Territory, on December 23, 1902.

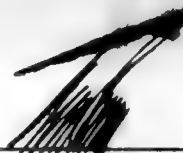
It further appears from the records in the possession of the Commission that on September 5, 1896, in the case entitled "C. J. Costen vs. the Choctaw Nation", (1896 Choctaw docket "C," number 710), the applicant herein made original application to this Commission under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321), for admission to citizenship in the Choctaw Nation, claiming his rights thereto by virtue of his marriage with Myra Willis, a recognized and enrolled citizen by blood of the Choctaw Nation, and on December 3, 1896, the said Thomas J. Costen was by this Commission admitted to citizenship in the Choctaw Nation as a citizen by intermarriage, from which decision of the Commission no appeal was taken.

On an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, the name of Thomas J. Costen is identified on the 1896 Choctaw census roll, Tobucksy County, No. 14,392, as a citizen by intermarriage of the Choctaw Nation.

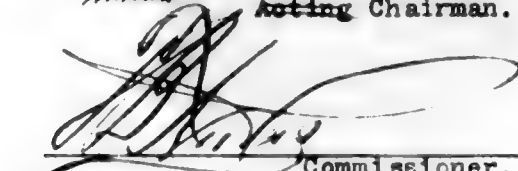
The evidence in this case further shows that the applicant herein was a resident in good faith of Indian Territory on June 28, 1898, and that his status as an intermarried citizen of the Choctaw Nation remained unchanged from the date of his admission in 1896 up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that Thomas J. Costen should be enrolled as a citizen by intermarriage of the Choctaw Nation under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner.



Commissioner

Muskogee, Indian Territory,

MAY 7 1903

OPY

Chester D-152

McKees, Indian Territory, May 1, 1903.

Thomas J. Costen,

Canadian, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission, rendered May 1, 1903, granting your application for enrollment as a citizen by intermarriage of the Chectaw Nation.

The attorneys for the Chectaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you as a citizen of the Chectaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Chectaw Nation, to be submitted to the Secretary of the Interior for his approval.

Respectfully,
Yours,

James Kirby
Chairman

Registered

Enc. A

COPY

Chester B. B. B.

Wahkago, Indian Territory, May 1, 1905.

Mansfield, Matheray & Gernish,
Attorneys for Chester and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered May 1, 1905, granting the application for the enrollment of Thomas J. Costen as a citizen by intermarriage of the Chester Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Chester Nation. If at the expiration of that time no protest has been filed, the name of the applicant will be placed upon the final rolls of the Citizens of the Chester Nation, to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Wahkago

Thomas Bixby

Chairman.

Registered

May 1, 1905

7-15
Muskegee, Indian Territory, February 27, 1903.

T. J. Costen,

Juanita, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of February 23, in which you ask if you would forfeit your right to intermarried citizenship in the Choctaw Nation by marrying a white woman at this time.

In reply to your letter you are advised that it appears from our records that you have been listed among the doubtful claimants to enrollment as an intermarried citizen of the Choctaw Nation and no decision nor opinion has yet been reached in your case. As soon as a decision is reached you will be notified of the action of the Commission.

You are further advised that under the provisions of the act of Congress of July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations on September 25, 1902, the rolls of citizenship of the Choctaw and Chickasaw Nations closed as of that date, and your attention is invited to the following provision of the act of Congress above referred to:

"The names of all persons living on the date of the final ratification of this agreement entitled to be enrolled as provided in

27, 1903.

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section 27 hereof shall be placed upon the rolls made by said
Commission.

Respectfully,

Chairman.

Commission to the Five Civilized Tribes,
Goodland, Indian Territory.

In the matter of the enrollment of Thomas J. Costen as
an intermarried citizen of the Choctaw Nation; being sworn and
examined by Commissioner McKennon, he testifies as follows:

Q Your name is Thomas J. Costen? A Yes sir.

Q ~~When~~ married to Mira Willis, when? A In October, 1887.

Q She was a Choctaw citizen? A Yes sir.

Q How long did you live with her? A We lived together about
a month before we separated.

Q Upon what ground did you separate from her? A She just got
dissatisfied and wanted to go home and stay. I had left her, I
married and she was at school and wanted to stay until school was
out, and when I went down we started home, and got in about ten
miles and she wanted to go back and wouldn't go on. I went home
to tend to my crop and was to be back at a certain time.

Q How long before you went back? A Something near a month, and
then I staid there about a week with her, and then we started
home and she got dissatisfied and went back.

Q You never lived with her afterwards? A No sir.

Q Did you endeavor to have her live with you? A No sir.

Simon E. Lewis, being sworn and examined by Commissioner
McKennon, testifies as follows, to-wit:

Q Your name is Simon E. Lewis? A Yes sir.

(Thomas J. Costen-Simon J. Leach, witness, #2)

Q How old are you? A Fifty-eight.

I was attorney for T. J. Costen at the time he applied for a divorce, I don't recollect the exact date, but I think it was some two years after they separated. The plea set up was adultery; she was charged with having give birth to a child after she had been separated from him about two years. I got Dave Reebuck to notify her, and she wrote a letter to the Judge, stating that she had no answer to make, that he could use his own judgment, that she didn't propose to live with him.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
stenographer to above named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. Green

Chester-3468

Mustang, Indian Territory, February 8, 1904

Mr. Thomas J. Goston,
Canadian, Indian Territory.

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Chester and Chickasaw Nations, dated January 23, 1904, no further action will be taken in connection with the allotment of lands of the Chester-Chickasaw Nations to you until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Choctaw-5668.

In the matter of the application
for the enrollment of Thomas J.
Costen as a citizen by inter-
marriage of the Choctaw Nation.

*Protest overruled by
Department March 31, 1904*

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FILED

FEB -6 1904

[Signature]
CHAIRMAN

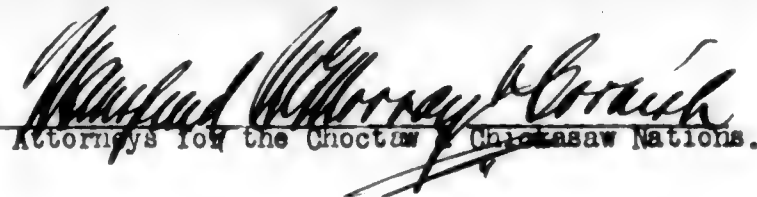
BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Thomas J. Costen as a citizen by intermarriage of the Choctaw Na-
tion, Choctaw Field No. 5668.

- - - - -

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that no further action be taken in connection with allotment of land to this person until final decision by the Choctaw and Chickasaw Citizenship Court in the case of B. F. Thompson vs. Choctaw and Chickasaw Nations, No. 38 on the South McAlester Docket, in which the said court will decide the question of the validity of that portion of the intermarriage laws of the Choctaw Nation providing for the forfeiture of citizenship of white persons who separate from their Indian spouses, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.


Attorneys for the Choctaw & Chickasaw Nations.

January 23, 1904.

CHARTER

Michael

Transferred From CHC 1000 10-1-46

5-16-03

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

The record in the matter of the application for the enrollment as a citizen by intermarriage of the Choctaw Nation of

MICHAEL H. GLEASON,

7 D 446.

-----o-----

Commission to the Five Civilized Tribes,
South McAlester, Indian Ter.

In the enrollment of ~~xxxxxx~~ Michael H. Gleason as an inter-married Choctaw; Jerry Folsom being sworn and examined by Com'r McKennon testifies as follows:

Q What is your name? A Jerry Folsom.

Q How old are you? A Forty-seven.

Q Do you know Michael H. Gleason? A Yes sir.

Q He is a white man? A Yes sir.

Q Do you know Mary A.? A Yes sir.

Q Do you know anything of their marriage? A I wasn't ~~xxxxxx~~ ~~xxx~~ at the marriage at all, in 1871 I was Circuit Clerk when he applied for a license to marry this girl, and I issued the marriage license to him.

Q You complied with the Choctaw law and issued the license according to Choctaw law? A Yes sir.

Q Do you know anything of the marriage, - were you in the neighborhood where he married? A Yes sir, but I wasn't at his marriage.

Q Did you know of it from hearsay? A Yes sir.

Q And he married her under that license? A Yes sir.

Michael H. Gleason being sworn and examined states:

Q What is your name? A Michael H. Gleason.

Q How old are you? A Fifty-six.

Q You claim to have intermarried with a Choctaw Indian, when?
A 22nd day of January, 1871.

Q What was her name? A Mary A. McChapen.

Q You obtained a license? A Yes sir.

Q Who issued the license? A Mr. Jerry Folsom, as Clerk of Gaines County.

Michael H. Gleason #2)

Q You were married to her regularly under that license?

A Yes sir.

Q Who married you? A Captain Pitchlynn

Q Was he an officer? A He was Judge of Gaines County at that time.

Q Did you live with her until her death? A No sir.

Q Were you separated from her? A Yes sir.

Q How long did you live with her? A Little over ten years.

We separated and I taken the five children and raised them.

Q Have you married since? A Yes sir.

Q To a white woman? A Yes sir.

Q Were you divorced from the first one? A Yes sir.

Q Did she obtain the divorce or you? A I did sir.

Department of the Interior,
Commission to the Civilized Tribes.

I hereby certify upon my official oath as
stenographer to the named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. H. Gleason

COMMISSIONERS
HENRY L. DAWES,
TAMM DIXBY,
THOMAS S. NEEDLES,
C. R. BRICKNIDGE,
ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

Choctaw D-446

Muskogee, Indian Territory, March 3, 1902.

Michael H. Gleason,

Krebs, Indian Territory

You are hereby notified that the application of yourself

for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 11th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

T. B. Needles.

Register.

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.

In the matter of the application of
Michael H. Gleason for enrollment as
an intermarried citizen of the Choctaw
Nation.

---D 446---

On the 3rd day of March, 1902, the applicant was notified by registered mail, and on the 5th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of Michael H. Gleason for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 11th day of April, 1902, for final consideration.

Now, on this 11th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear, and the applicant being called failed to appear either in person or by attorney.

Harry C. Risteen being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 11th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C. Risteen

Subscribed and sworn to before me this 12th day of April, 1902.

Wm. H. H. H. H.

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
South McAlester, I. T., December 24th, 1902.

Choctaw D-446
Intermarried

-----oOo-----

In the matter of the application of Michael H. Gleason for enrollment as an intermarried citizen of the Choctaw Nation.

Michael H. Gleason being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Michael H. Gleason.
Q How old are you? A I am sixty past.
Q What is your post office address? A Krebs.
Q How long have you resided in the Choctaw Nation? A Since '68.
Q Have you lived here continuously since '68? A Yes sir.
Q Where were you born? A Canada, but I was in the war.
Q Naturalized citizen of the United States? A Yes sir.
Q Have you lived in the Choctaw Nation continuously since '68? A Yes sir.
Q Never made your home elsewhere? A No sir.
Q You are a white man? A Yes sir.
Q An applicant for enrollment as an intermarried citizen of the Choctaw Nation? A Yes sir.
Q What is the name of your Choctaw wife? A Mary Emma Chapin.
Q Is she a Choctaw Indian? A Yes sir.
Q Recognized member by blood of the tribe? A Yes sir.
Q Always recognized by the tribal authorities? A Yes sir.
Q When were you married to her? A '71, January 22nd.
Q Ever married before that? A No sir.
Q Was she ever married before that? A No sir.
Q Who married you? A Judge Pitchlynn, county judge of Gaines county at that time.
Q You were both living in the Choctaw Nation at that time? A Yes sir.
Q How long did you live with your Choctaw wife? A We lived about eleven years and separated.
Q Were you divorced? A Yes sir.
Q Ever married since then? A Yes sir.
Q When? A I married in '82.
Q Married a white woman next time? A Yes sir.
Q Still living with your white wife? A Yes sir.
Q Did you make application to be admitted by the Dawes Commission in 1896? A Yes sir.
Q Were you admitted? A Yes sir.
Q Any appeal taken from that decision? A No sir.

Albert G. McMillan being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 24th day of December, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Subscribed and sworn to before me this 10 day of February, 1903.

Chapin & Co. Sawyer

Notary Public.

280 9908
7 D 446

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Michael H. Gleason as a citizen by intermarriage of the Choctaw
Nation.

DECISION.

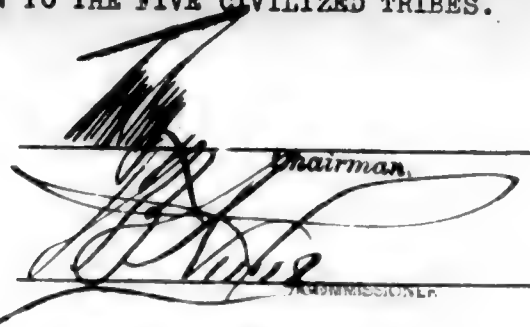

It appears from the census card and other records in this case that Michael H. Gleason appeared before the Commission at South McAlester, Indian Territory, on September 6, 1899, and made personal application for enrollment as a citizen by intermarriage of the Choctaw Nation. Further proceedings were had in the matter of this application at South McAlester, Indian Territory, on December 24, 1902.

It further appears from the records in the possession of the Commission that on September 8, 1896, in the case entitled "Michael H. Gleason vs. the Choctaw Nation," (1896 Choctaw Docket "C," number 1012), the applicant herein made original application to this Commission under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321), for admission to citizenship in the Choctaw Nation, claiming his rights thereto by reason of his marriage with Mary Emma Chapin, a recognized citizen by blood of the Choctaw Nation, and on December 5, 1896, the said Michael H. Gleason was by this Commission admitted to citizenship in the Choctaw Nation as a citizen by intermarriage, from which decision of the Commission no appeal was taken.

The evidence in this case further shows that the applicant herein, Michael H. Gleason, was a resident in good faith of Indian Territory on June 28, 1898, and had been for more than thirty years prior thereto, and that his status as a citizen by intermarriage of the Choctaw Nation remained unchanged from the date of his admission as such in 1896 up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that Michael H. Gleason should be enrolled as a citizen by intermarriage of the Choctaw Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495), and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman

Commissioner
C. R. Brantley
Commissioner

Muskogee, Indian Territory,
MAY 1 1903

Chester D. D.

COPY

Washington, Indian Territory, May 1, 1903.

Michael E. Glendon,

Krebs, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission, rendered May 1, 1903, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation, to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Very truly,

John D. D.

Respectfully,

John D. D.

COPY

Chester B-446.

Muskogee, Indian Territory, May 1, 1903.

Mansfield, McMurray & Coraish,

Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered May 1, 1903, granting the application for the enrollment of Michael H. Gleason as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, the name of the applicant will be placed upon the final rolls of the citizens of the Choctaw Nation, to be submitted to the Secretary of the Interior for his approval.

Respectfully,

James Bixby.

Chairman.

Registered.

Enc. All. 48.

MEMORANDA.

(Date) Sept 16 1899.

56 Name Michael H. Gleason
Choctaw? ye County Taluckey Year 96 No. 14565
Chickasaw? County Year Page 388

Choctaw? yes County Talbot Year 96 No. 14565-

Chickasaw? County Year Page 388

Citizen by blood? Mother's citizenship US

Intermarried citizen? Yes

Married under what law? Choc

License filed this day, _____

Wife's name,

Choctaw? _____ County _____ Year _____ No. _____

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children :

County _____ Year _____ Page _____ No. _____

County	Year	Page	No.
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County	Year	Page	No.
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County	Year	Page	No.
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County	Year	Page	No
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Country	Year	Page	No.
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Country	Year	Page	No.
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Country	Year	Page	No.
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100

As to marriage, separation, divorce
all his testimony & that of Jenny Holman

5446

65-

Department of the Interior.
Commission to the Five Civilized Tribes.

In the matter of the application of
Michael H. Gleason for enrollment as
an intermarried citizen of the Choctaw
Nation.

---D 446---

On the 3rd day of March, 1902, the applicant was notified by registered mail, and on the 8th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of Michael H. Gleason for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 11th day of April, 1902, for final consideration.

Now, on this 11th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw nation failed to appear, and the applicant being called failed to appear either in person or by attorney.

Harry C Risteen being first duly sworn, upon his oath states:
That as stenographer to the Commission to the Five Civilized Tribes
he reported in full all proceedings had in the above entitled cause
on the 11th day of April, 1902, and that the above and foregoing is a
full, true and correct transcript of his stenographic notes of said
proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 15th day of April, 1902.

Clara M. H. Howard

Notary Public.

Choctaw 5670

W.I. Cochran

Transferred from Choc #D84
5-20-84

5670

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

The record in the matter of the application for the en-
rollment as a citizen by intermarriage of the Choctaw Nation of -

W. L. COCHRAN, - - - - - Choctaw D-84.

Choctaw, D. 84.

Department of the Interior,
Commission to the Five Civilized Tribes.
Ada, I. T., November 11, 1902.

In the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of W. L. Cochran.

W. L. Cochran being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A W. L. Cochran.
Q How old are you? A About 68 years old.
Q What is your post office address? A Stonewall.
Q How long have you lived in the Chickasaw Nation? A Ever since '61; about 41 years.
Q Lived here continuously during that time? A Yes sir.
Q Are you an applicant for enrollment as an intermarried citizen of the Choctaw Nation? A I have been enrolled.
Q You claim to be an intermarried citizen of the Choctaw Nation? A Yes sir.
Q What is your Choctaw wife's name? A Jincy Bohanan.
Q She was a recognized and enrolled citizen of the Choctaw Nation? A Yes sir.
Q Are you the identical W. L. Cochran who made application to the Dawes Commission in 1896 for enrollment as an intermarried citizen of the Choctaw Nation? A Yes sir, I reckon so; that is my name.
Q You know that you applied at that time? A Yes sir.
Q What was done with your case? A The Dawes Commission approved of it.
Q Was it appealed to the Court? A No sir.
Q Was your wife living at that time? A No sir.
Q Since your admission in 1896 by the Commission have you remarried? A No sir.
Q Did you marry after the death of Jincy Cochran? A Yes sir.
Q When was that marriage? A I have been married several times since that; I don't know the dates; I didn't think we needed the dates.
Q You have not remarried since your admission; you are sure of that? A Yes sir.
Q When was your last marriage? A In '81, — '91.
Q Since your removal to this country in 1881 have you lived here continuously up to the present time? A Yes sir, never been absent except on business.

W. R. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Ada, I. T., on the 11th day of November, 1902, and that the within and foregoing is a full true and correct transcript of his stenographic notes in the same.

Subscribed and sworn to before me this 25 day of November, 1902.

Charles H. Sawyer

Notary Public.

7 D-84.

A. G. D.

[Signature]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
W. L. Cochran as a citizen by intermarriage of the Choctaw Nation.

DECISION.

It appears from the census card record in this case that W. L. Cochran appeared before the Commission at Stonewall, Indian Territory, September 3, 1898, and made personal application for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation. Further proceedings were had in the matter of this application at Ada, Indian Territory, November 11, 1902.

It further appears from the records in the possession of the Commission that on September 5, 1896, in a case entitled "W.L. Cochran vs. the Choctaw Nation" (1896 Choctaw Docket "C", No. 962), the applicant herein made original application to this Commission under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321) for admission to citizenship in the Choctaw Nation, claiming his right thereto by virtue of his marriage with Jincy Bohanan, a recognized and enrolled citizen of the Choctaw Nation, and on December 5, 1896, the said W. L. Cochran was by this Commission admitted to citizenship in the Choctaw Nation as a citizen by intermarriage, from which decision of the Commission no appeal was taken.

On an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission the name of W. L. Cochran is identified on the 1896 Choctaw census roll, No. 14450, duly enrolled as a citizen by intermarriage of said nation.

The evidence in this case further shows that the applicant W. L. Cochran was a resident in good faith of Indian Territory on June 28, 1898, and had been for more than thirty-five years prior thereto, and that his status as an intermarried citizen remained unchanged from the date of his said admission to citizenship in 1896 up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that W. L. Cochran should be enrolled as a citizen by intermarriage of the Choctaw Nation in accordance with the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

[Signature]
Acting Chairman.

[Signature]
Commissioner.

Muskogee, Indian Territory,

MAY 5 1903

[Signature]
Commissioner.

Chester D-54.

COPY

Muskogee, Indian Territory, May 3, 1903.

W. L. Graham,

Stonewall, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission, rendered May 3, 1903, granting your application for enrollment as a citizen by intermarriage of the Cheate Nation.

The attorneys for the Cheate and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you as a citizen of the Cheate Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Cheate Nation, to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

JAMES BIRBY.

Chairman.

Registered.

Dec. Ali. 7.

Chectaw D-84.

COPY.

Muskogee, Indian Territory, May 5, 1903.

Mansfield, McMurtry & Cornish,
Attorneys for Chectaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered May 5, 1903, granting the application for the enrollment of W. L. Cochran as a citizen by intermarriage of the Chectaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Chectaw Nation. If at the expiration of that time no protest has been filed, the name of the applicant will be placed upon the final rolls of the citizens of the Chectaw Nation, to be submitted to the Secretary of the Interior for his approval.

Respectfully,

RECORDED.

Tamie Dixby,
Chairman.

Registered.

Rec. ALI. C.

W. L. Cochran

Int. Choctaw Residing
in Chickasaw Dist.

on Page 19- In Choctaw Roll

Also admitted by Dawes Com.
Case No 962 Dawes Com. Roll C.

OK
Bibby

on Cream Card

Choctaw 5671

George DeLaughter

Transferred from Choc. card #D132

5-20-03

5671

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

The record in the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of -

GEORGE DeLAUGHTER, 7 D-132.

Commission to the Five Civilized Tribes,
Alikehi, Indian Territory.

In the matter of the application of GEORGE DeLAUGHTER
for enrollment as an intermarried citizen of the Choctaw Nation;
being sworn by Commissioner McKennon, he testifies as follows:

Q What is your age? A Thirty-nine, will be forty in the 14th
day of June.

Q When were you married, and to whom?

A I married, the best of my recollection, 19th day of November,
1885.

Q To whom? A Jenay Simpson.

Q Was she a Choctaw citizen? A Yes sir.

Q Full-blood? A No sir, half-breed, that is what I have al-
ways understood.

Q Is she living? A No sir, she is dead.

Q Did you live with her until she died? A Yes sir.

Q Where? A Red River County, Choctaw Nation.

Q Is your proof of that marriage filed with the Dawes Commission?

A Yes sir, I sent it to them and I have got a letter of acknowl-
edgment.

Q With your application in 1896? A Yes sir.

Q Did you marry after that? A Yes sir.

Q Marry a white woman? A Yes sir.

Q When? A In 1894, 29th day of January, to a white woman.

Q She living? A Yes sir.

Q You are living with her now? A Yes, in Red River Co.,

Department of the Interior,
Yes, in Red River Co.,

I hereby certify, upon my official oath as
stenographer to above named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

Madison

Choctaw D-132.

Muskogee, Indian Territory, February 26, 1902.

George DeLaughter,

Janis, Indian Territory.

You are hereby notified that your application for enrollment as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 4th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

T. B. Needles.

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.

In the matter of the application of
George DeLaughter for enrollment as
an intermarried citizen of the Choctaw Nation.

----D 132----

On the 26th day of February, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail that the application of George DeLaughter for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 4th day of April, 1902, for final consideration.

Now, on this 4th day of April, 1902, this cause coming on to be heard pursuant to said notice, the following appearances were made:

A p p e a r a n c e s :

The applicant, George DeLaughter,;
appears in person and by A. Telle,; No appearance by attorneys for
his attorney. the Choctaw Nation.

George DeLaughter, the applicant, being first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A George DeLaughter.
Q What is your age? A Forty three years about.
Q What is your present post office address? A Arkinda, Ark.
Q Where do you live now? A I live in Red River County, Choctaw Nation.
Q How far to the Arkansas line? A Yes sir, about eight miles.
Q And you get your mail at the post office in Arkansas? A Yes sir.
Q What is your father's name? A David DeLaughter.
Q Is he living? A No sir, he is dead.
Q What is your mother's name? A Elizabeth DeLaughter, she died when I was very small.
Q You claim an intermarried citizen? A Yes sir.
Q Did you make application to the Dawes Commission in 1894 for admission? A I sent my application to the Dawes Commission in 1894.
Q Are you the same person who applied to the Dawes Commission in 1894 as George DeLaughter and was admitted by the Commission as Geo. DeLaughter? A Yes sir.
Q Is this your signature to the original application in 1894? A Yes sir.
Q And it is DeLaughter and not DeLaughter? A Yes sir.

George DeLaughter-----2

- Q What is your wife's name? A Jincy Simpson when I married her, her maiden name was Kincy Hampton.
Q Was she a widow when you married her? A Yes sir.
Q Is she living now? A No sir, she is dead; she died in the winter of 1889.
Q Have you married again? A Yes sir.
Q What is your present wife's name? A Savanna DeLaughter.--Her maiden name was Beachamp.
Q Is she living now? A Yes sir.
Q Is she a Choctaw woman or a white woman? A She is a white woman.
Q When did you marry your Choctaw wife? A November 19, 1885.
Q And lived with her until her death? A Yes sir.
Q When did you marry your present wife? A I think it was in 1894.
Q January, 1894? A Yes sir.
Q Were you married to your present wife at the time you made your original application in 1896? A Yes sir.
Q And living with her at that time as man and wife? A Yes sir.
Q And have you any children by your Choctaw wife? A No sir.
Q Have you any children by your present wife? A Yes sir, four.
Q Did you make application for them? A No sir.

Examination by Mr Telle:

- Q Have you children born since your second marriage--children of yourself and this second wife? A Yes sir, four.
Q What are their names? A David Braxton DeLaughter.
Q What is his age? A Seven years old last January.
Q Next one? A Savanna Ellen.
Q How old? A She is five years old.
Q Next? A George Dewey.
Q What is his age? A Three years.
Q And the next child? A John Bailey.
Q How old? A One year old.
Q What was the date of the birth of David Braxton? A January 10, 1899.
Q The next one, Savanna Ellen? A January 29, 1897.
Q And George Dewey? A Born on the 29th of January, 1899.
Q And the last one? A John Bailey--he was born 22nd of January, 1901.
Q Do you wish to make application for any of these children? A Yes sir.

Mr TELLE: Application is made for the three children, Savanna Ellen, George Dewey and John Bailey DeLaughter, born since the admission of the principal applicant by a judgment of the Commission.

- Q I believe you said these children are all living and living with you and your wife at the present time? A Yes sir.

By the Commission: This case will be considered by the Commission upon the record and evidence as now made up.

Witness my hand and seal at Washington, D.C., this 1st day of January, 1901.

George DeLonghor

That as stenographer to the Commission to the Five Civilized Tribes
he reported in full all proceedings had in the above entitled case
on the 4th day of April, 1902, and that the above and foregoing is a
full, true and correct transcript of his stenographic notes of said
proceedings on said date.

Harry C. Risteen

Subscribed and sworn to before me this 4th day of April, 1902.

Clara Mitchell Wood

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Garrison, Indian Territory, November 27th, 1902.

Choctaw D 132.
Intermarried.

In the matter of the application of George DeLaughter for enrollment as an intermarried citizen of the Choctaw Nation.

George DeLaughter, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A George DeLaughter.
Q How old are you? A Forty three.
Q What is your post office address? A Arkinda, Arkansas.
Q Where is your home? A Red River county, Choctaw Nation.
Q Do you live in the Choctaw Nation? A Yes sir.
Q How long have you been a resident of the Choctaw Nation? A I have been in the Choctaw Nation twenty three years.
Q Have you lived here continuously for the past twenty three years?
A Yes, I made Fort Smith my headquarters for a while, but I was in the territory all except two years.
Q When was that? A From 1883 to 1885.
Q Since that time you have been a continuous resident in the Choctaw Nation? A Yes sir.
Q Do you claim intermarried rights in the Choctaw Nation? A Yes sir.
Q What was the name of your Choctaw wife through whom you claim these rights? A Jincy Simpson.
Q Was she a recognized and enrolled citizen of the Choctaw Nation? A Yes sir.
Q Her rights were never disputed? A No sir.
Q When were you married to Jincy Simpson? A 19th day of November, 1885.
Q Where was this marriage ceremony performed? A At a school house in this county called the Bayou School house.
Q That is in the Choctaw Nation? A Yes, in Red River County.
Q At that time were both you and your wife bona fide residents of the Choctaw Nation? A Yes sir.
Q Were you married in accordance with the Choctaw tribal law? A Yes sir.
Q Did you obtain a marriage license? A Yes sir.
Q Where did you get that license? A Thomas Jefferson county, State of Red River county.
Q Who performed the marriage ceremony? A He did.
Q How much did you pay for the license? A Twenty five dollars.
Q Were you ever married before your marriage to Jincy Simpson? A No.
Q Was she ever married before her marriage to you? A Yes sir.
Q How many times? A Once.
Q What was the name of her former husband? A Tuck Simpson.
Q Was he dead at the time of her marriage to you? A Yes sir.
Q She was a widow? A Yes sir.
Q Is your wife Jincy now dead? A Yes sir.
Q When did she die? A She died in 1889, I think, December 14.
Q Did you live with her continuously up to the time of her death as her husband? A Yes sir.
Q There was no separation at any time whatsoever? A No sir.
Q Since her death have you remarried? A Yes sir.
Q What was the name of your second wife? A Sarah Ann Simpson.

George DeLaughter-----2.

- Q Was she a white woman? A Yes sir.
Q When were you married to her? A In 1894, 29th of January.
Q Did you procure a license to marry her? A Yes sir.
Q United States License? A No, I got license in Little River
County, Arkansas.
Q You got an Arkansas license. A Yes sir.
Q Were you married in the state of Arkansas? A Yes sir.
Q Since your marriage to Savannah Beachamp have you lived with her
continuously as her husband up to the present time? A Yes sir.
Q You are at present a bona fide resident of the Choctaw Nation?
A Yes sir.
Q Were you an applicant before this Commission in 1896 for admis-
sion to citizenship in the Choctaw Nation? A Yes sir.
Q Did you apply as an intermarried citizen? A Yes sir.
Q What action was taken on your application at that time? A I had
only newspaper report.
Q What did the newspaper account say? A I was in the list that
they accepted.
Q Was your case ever appealed to the United States Court? A No sir.
Q Under what name were you listed in 1896? A George DeLastry.
Q How many children have you? A Four.
Q What are their names? A The first one is David Braxton, eight
years old in January; next one is six, Savannah Ellen; next George
Dewey, four; and John Daly, 2 years old in January.
Q Did you ever make application for the enrollment of the oldest
child, David Braxton DeLaughter? A No sir.
Q What was the reason you did not apply for him? A Through the
advice of my attorney I did not do it; he said there was no chance
for it, because he was born before the judgment.
Q Are all of these children by your white wife? A Yes sir.
Q The three last named were born since your admission in 1896?
A Yes sir.

---000---

Harry C Risteen, being first duly sworn, upon his oath states:
That as stenographer to the Commission to the Five Civilized Tribes
he reported in full all proceedings had in the above entitled cause
on the 27th day of November, 1902, and that the above and foregoing
is a full true and correct transcript of his stenographic notes of
said proceedings on said date.

Harry C Risteen

Subscribed and sworn to before me this 27th day of January 1903.

Charles H. Sawyer

Notary Public

7-D-132

L & D
E. H. R.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George DeLaughter as a citizen by intermarriage of the Choctaw Nation.

- D E C I S I O N -

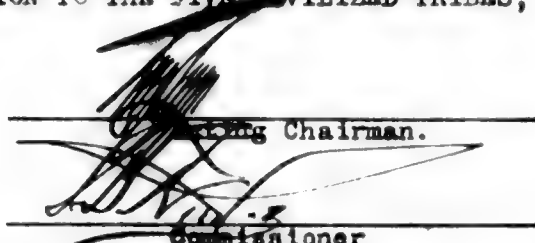
It appears from the record in this case that George DeLaughter appeared before the Commission at Alikohi, Indian Territory, April 28, 1899, and made personal application for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation. Further proceedings were had in the matter of this application at Muskogee, Indian Territory, April 4, 1902, and at Garvin, Indian Territory, November 7, 1902. At the proceedings had in Muskogee, Indian Territory, April 4, 1902, the applicant, George DeLaughter, made application for the enrollment of Savannah E. DeLaughter, George D. DeLaughter and John B. DeLaughter, infant children of himself and his present wife, Savannah DeLaughter, a non-citizen white woman, as citizens of the Choctaw Nation. The said children have been listed upon Choctaw doubtful card No. 718 but are differently classified from their father and their right to enrollment is not passed upon in this decision.

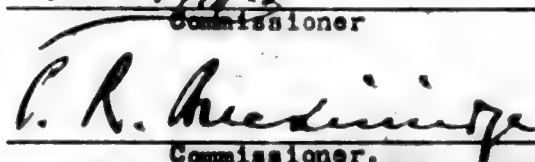
It further appears from the records in the possession of the Commission that on September 8, 1896, in the case entitled "George DeLangtry vs. the Choctaw Nation" (1896 Choctaw Docket "C" No. 852), the applicant herein made original application to this Commission, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), for admission to citizenship in the Choctaw Nation, claiming his right thereto by virtue of his marriage with Jincy Simpson (nee Hampton), a recognized and enrolled citizen by blood of the Choctaw Nation, and on December 4, 1896, the said George DeLaughter was by this Commission admitted to citizenship in the Choctaw Nation as a citizen by intermarriage, from which decision of the Commission no appeal was taken.

The evidence in this case further shows that the applicant herein was a resident in good faith of Indian Territory on June 28, 1898, and that his status as an intermarried citizen has remained unchanged since the date of his admission in 1896 up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that George DeLaughter should be enrolled as a citizen by intermarriage of the Choctaw Nation, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Acting Chairman.


Commissioner.

Muskogee, Indian Territory,
MAY 5 1903

Chester D-138.

COPY.

Mustang, Indian Territory, May 5, 1903.

George DeLaughter,
Arkada, Arkansas.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission, rendered May 5, 1903, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation, to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED.

Jame Bixby.
Chairman.

Registered.

Enc. A.M. 5.

Chectaw D-132.

COPY.

Washagee, Indian Territory, May 5, 1903.

Manafield, McMurray & Gernish,
Attorneys for Chectaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered May 3, 1903, granting the application for the enrollment of George DeLaughter as a citizen by intermarriage of the Chectaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Chectaw Nation. If at the expiration of that time no protest has been filed, the name of the applicant will be placed upon the final rolls of the citizens of the Chectaw Nation, to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED.

Tame Bixby.
Chairman.

REGISTERED.

May 11, 1903.

Muskogee, Indian Territory, March 8, 1901.

Mansfield, McMurrary & Cornish,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 1st instant, in which you desire to be informed if George Delaghter has been listed for enrollment as a citizen by intermarriage of either the Choctaw or Chickasaw Nations; and, if so, that you be furnished with the number of his card, and his post office address as the same appears thereon; also, if it appears from our records that this applicant applied for citizenship in the Choctaw Nation under the law of 1896; and, if so, the disposition of such application.

We have to inform you that it appears from our records that on April 20, 1899, George Delaghter, twenty-two years of age, appeared before the Commission and made application for enrollment as a citizen by intermarriage of the Choctaw Nation; his post office address, as given at that time, was Javis, Indian Territory.

It further appears that this applicant was admitted as an intermarried citizen of the Choctaw Nation by the Commission to the Five Civilized Tribes, under the Act of Congress of June 10, 1896, in Choctaw case number 241. He was admitted in 1896 under the name of Geo. Delantey.

It further appears from our records that this applicant was

N. H. & O. H.

married to a Chester citizen in 1888, and lived with her until her death; he then married a white woman in January 1894, with whom he is still living. The name of this applicant appears upon our record on Chester roll card, Field Number D-132.

Yours truly,

Acting Chairman

D-132

Choctaw D 132

Muskogee, Indian Territory, May 6, 1902.

George DeLaughter,

Harris, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 18, 1902, addressed to the Secretary of the Interior, Washington, D. C., and which has been by him referred to this Commission for consideration and appropriate action.

Therein you desire information regarding your title to certain land in the Choctaw Nation.

Replying to your letter you are informed that matters of this character will receive the attention of the Commission upon the establishment of an allotment office in the Choctaw-Chickasaw Country for the purpose of allowing the citizens of these two tribes to make selection of and file upon their prospective allotments.

Yours truly,

F. B. Nease

Commissioner in Charge.

Choctaw 5672

Eugene R. Benson

5672

Transferred from Choctaw CARD #D325

5-21-03

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for enrollment as
a citizen by intermarriage of the Choctaw Nation of-

EUGENE R. HENSON, 7-D-325.

Choctaw N- 525.

Muskogee, Indian Territory, March 1, 1902.

Eugene R. Benson,

Utica, Indian Territory.

You are hereby notified that the application for enrollment of yourself as a citizen of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 3th day of April, 1902.

On said date, you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the Representatives of the Choctaw Nation will also at the same time be afforded an opportunity to introduce testimony affecting your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes,

Register.

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 8, 1902.

.....
In the matter of the application ::
of Eugene R. Benson for enrollment ::
as a citizen of the Choctaw Nation. ::
.....

D-325.

On the 1st day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of Eugene R. Benson for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 8th day of April, 1902, for final consideration.

Now on this 8th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear, and the applicant being called, failed to appear either in person or by attorney.

-----;

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on the 8th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 10th day of April, 1902.

Hal Belford
Clara M. Hullwood

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I. T., November 21st, 1902.

Choctaw D-325
Intermarried

-----oOo-----

In the matter of the application of Eugene R. Benson for
enrollment as an intermarried citizen of the Choctaw Nation.

Eugene R. Benson being first duly sworn testified as fol-
lows:

Examination by the Commission:

- Q What is your name? A Eugene R. Benson.
Q How old are you? A Fifty-one years old.
Q What is your post office address? A Utica.
Q Is that in the Choctaw Nation? A Yes sir.
Q How long have you been a resident of the Choctaw Nation?
A Twenty-one years.
Q Lived here continuously for the past twenty-one years?
A Yes sir.
Q Do you claim intermarried rights in the Choctaw Nation? A Yes
sir.
Q What is the name of your Choctaw wife through whom you claim?
A Her name was Eliza Ann Powell.
Q Was she a recognized and enrolled citizen of the Choctaw Nation?
A Yes sir.
Q Were her rights ever disputed? A No sir.
Q When were you married to her? A 1895; 28th of May.
Q Where was this marriage ceremony performed? A Mahew, Indian
Territory.
Q Is that in the Choctaw Nation? A Yes sir.
Q How long did you live with Eliza Ann Powell? A About ten years.
Q Until her death? A Yes sir.
Q After her death did you remarry? A Yes sir.
Q What was the name of your second wife? A Eliza Ann Fields.
Q Was she a white woman? A Yes sir.
Q When were you married to her? A I married her in 1896.
Q What time in that year? A 12th of July.
Q Since then have you lived with her continuously as her husband?
A Yes sir.
Q You are now a bona fide resident of the Choctaw Nation? A Yes
sir.
Q Were you an applicant before this Commission in 1896 for admission
to intermarried citizenship in the Choctaw Nation? A Yes sir.
Q What action was taken in your case at that time? A None at all.
Q Was your application granted or refused? A Granted.
Q Are you sure of that; you stated a minute ago there was no action
taken in it? A It was thrown off afterwards; I stayed in the
cell a year or two.

Eugene R. Benson---2

Q Was your case ever appealed to the United States Court in 1898?

A It wasn't appealed that I know of.

Q You are at present a bona fide resident of the Choctaw Nation?

A Yes sir.

Albert G. McMillan being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 21st day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 14 day of January, 1903.

Charles McLawyer

Notary Public.

7 D 325
L.S.
J.R.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Eugene R. Benson as a citizen by intermarriage of the Choctaw Nation.

D E C I S I O N .

It appears from the census card records of the Commission in this case that Eugene R. Benson appeared before the Commission at Durant, Indian Territory, August 16, 1899, and made personal application for enrollment as a citizen by intermarriage of the Choctaw Nation. Further proceedings were had in the matter of this application at Atoka, Indian Territory, November 25, 1902.

It further appears from the records in the possession of the Commission that on September 5, 1896, in the case entitled "E. R. Benson vs. the Choctaw Nation" (1896 Choctaw Docket "C" number 534), the applicant herein made original application to this Commission under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321) for admission to citizenship in the Choctaw Nation, claiming his right thereto by virtue of his marriage with Eliza Ann Powell, a recognized citizen by blood of the Choctaw Nation, and that on December 3, 1896, the said Eugene R. Benson was by this Commission admitted to citizenship in the Choctaw Nation as a citizen by intermarriage, from which decision of the Commission no appeal was taken.

The record in this case further shows that the applicant herein was a resident in good faith of Indian Territory on June 28, 1898, and that his status as an intermarried citizen remained unchanged from the date of his admission in 1896 as such up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that Eugene R. Benson should be enrolled as a citizen by intermarriage of the Choctaw Nation under the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

MAY 5 1903

Choctaw D. 328

COPY

Muskogee, Indian Territory, May 8, 1903.

Eugene E. Benson,

Utica, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission, rendered May 5th, 1903, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

James Bixby.

Chairman.

Registered.
Enc. RT. 18

Choctaw D. 328

COPY.

Muskogee, Indian Territory, May 5, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered May 5th, 1903, granting the application of Eugene R. Benson, for enrollment as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed the name of the applicant will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tamr Bixby.
Chairman.

Registered.
Enc. 11. 16

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Celbert, Indian Territory, June 11, 1900.

In the matter of the application of Eugene R. Benson for the enrollment of his wife, Ella A. Benson, and his minor child, Bessie Benson, as citizens by intermarriage of the Choctaw Nation; Eugene R. Benson being sworn and examined by Acting Chairman Bixby testifies as follows:

Q What is your name? A Eugene R. Benson.
Q What is your age? A Forty-eight.
Q What is your post-office? A Utica, I. T.
Q How long have you lived there? A About eight years.
Q Have you been living in the Indian Territory continuously for eight years? A I have lived in the Indian Territory about eighteen years.
Q You haven't lived outside of the Territory for the past three years? A No sir.
Q At one time was your wife a Choctaw Indian? A Yes sir.
Q What was her name? A Her name was Eliza Powell when I married her.
Q Was her name on the tribal rolls of the Choctaw Nation? A Yes sir.
Q She was always recognized as a Choctaw by blood? A Yes sir.
Q When did you marry her? A I married her in the Spring of 1895, May 20th.
Q Did she die? A Yes sir.
Q When did she die? A She died in 1896, May 25th.
Q You are now married to a citizen of the United States? A Yes sir.
Q When did you marry her? A I married her in 1896, July 12th.
Q You married her two months after your wife died? A Yes sir.
Q What was your present wife's name before you married her? A Ella Fields, she was a widow.
Q This child that you wish to enroll now is the son of your present wife a white woman? A Yes sir.
Q When was this child born? A April 12th this year, 1900.
Q Is there anything else in regard to this case that you would like to state? A I want to present my wife's name for enrollment too.
Q Is there any other statement that you want to make in regard to the case of your son? A No sir, none at all. His name was presented to you here about a year ago and you rejected it.
Q How old is Bessie? A She is three years old.
Q The status of this child Bessie is the same as that of George? A Yes sir.
Q Are you quite certain that you were married in July 1896? A Yes sir. I have got a marriage license at the hotel down here; I will produce it after you get through.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case and that the foregoing is a true and correct transcript of his stenographic notes in the matter of the application made by Eugene R. Benson for the enrollment of his wife, Ella A. Benson, and his minor child, Bessie Benson, as citizens of the Choctaw Nation.

Subscribed and sworn to before me this 21 day of February, 1901.

M.D. Green
Acting Chairman.

In the United States Court at South McAlester for the
Central District of the Ind. Ter.

Eugene R. Benson, Mrs. Ella A. Benson and
Bessie Benson and Geo. R. Benson by their father
and next friend Eugene R. Benson,

Plaintiffs

-VS-

Henry L. Dawes, Tamm Bixby, Archibald S. McKennon
and Thomas B. Needles as Commissioners to the
Five Civilized Tribes,

Defendants

Notice of Motion for Writ of Mandamus.

To Henry L. Dawes, Tamm Bixby, Archibald S. McKennon and Thomas B. Needles,
as Commissioners to the Five Civilized Tribes:-

You and each of you are hereby notified that the above named
plaintiffs have filed a petition asking for a writ of mandamus against
you and each of you, acting as such commissioners, to compel you to place
the names of each of the above named plaintiffs upon the rolls as members
of the Choctaw Tribe of Indians, and to do all things necessary to be
done in the preparation of such rolls in order that the above named
plaintiffs, and each of them, shall be fully protected in all their
rights, title and interest, both political and in property.

You are further notified that on the 16th day of June 1900 at the
hour of 9 o'clock in the forenoon, or as soon thereafter as the same
can be heard, the plaintiffs above named will move the above entitled
court for a writ of mandamus against you as such commissioners, to compel
you, as such commissioners, to enroll each of the above named plaintiffs,
the plaintiffs Eugene R. Benson and Mrs. Ella A. Benson as citizens
of the Choctaw Nation by intermarriage, and the plaintiffs Bessie and
Geo. R. Benson by virtue of being descendants of the said plaintiffs
Eugene R. and Ella A. Benson.

You are further notified that the plaintiff, Eugene R. Benson, has the right of Eugene R. Benson to be enrolled by virtue of his marriage to a Choctaw Indian woman and his admission as an intermarried citizen by the Commission to the Five Civilized Tribes on the 2nd day of December 1896, from which judgment and admission no appeal has been taken.

The plaintiff, Mrs. Ella A. Benson, will rely upon her right to be enrolled by virtue of having been, on the ___ day of July 1896, duly and legally married to the plaintiff Eugene R. Benson, and the petitioners Wendie Benson and Geo. R. Benson will rely upon their right to be enrolled by virtue of being descendants of Eugene R. Benson and his wife Ella A.

Benson, born after the filing of the application of the said Eugene R. Benson, on the 7th day of September 1896, before the Commission to the Five Civilized Tribes. Your petitioners will, on the hearing of said action, require you to produce your books showing the admission of the said Eugene R. Benson as an intermarried citizen, and will produce affidavits etc. in support of the plaintiff's petition.

You are further notified that the plaintiffs claim that you have refused and still refuse to enroll them or either of them.

J. H. Hall

Attorney for plaintiffs.

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 been filed with
 10325

... B. Bolton, ...

Dr. J. I. ...
... to the ...

Commission to the Five Civilized Tribes,
Durant, Indian Territory,
August 16, 1899

In the matter of the application for the enrollment of Bessie Benson as a Choctaw by blood; Eugene R. Benson, being sworn and examined by Act Commissioner McKennon, testifies as follows:

- Q What is your name? A Eugene R. Benson.
Q What is your age? A Forty-seven.
Q You were married to a Choctaw citizen? A Yes sir, first.
Q What was her name? A Eliza Powell.
Q Did you live with her until her death? A Yes sir.
Q When did she die? A Three years ago last April.
Q Since that time you have married a white woman? A Yes sir.
Q She is a United States citizen? A Yes sir.
Q When did you marry her? A Last July was three years ago.
Q You have a child by her? A Yes sir.
Q What is the date of its birth? A It is two years old now,
it was born the 12th day of July 1897.
Q Its name is what? A Bessie.
Q Its mother was a white woman? A Yes sir.
Q It is by your present marriage? A Yes sir.

Commissioner McKennon: The enrollment of the child is refused.

E. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case, and that the above is a full, true and complete transcript of his stenographic notes taken in said case.

Subscribed and sworn to before me this 11 day of June 1900.

Act'g Chairman.

(This is a second transcript from original notes; first transcript having been misplaced or lost. -- Stenog.)

Copy

7-5-325

UNITED STATES OF AMERICA.

CENTRAL JUDICIAL DISTRICT.

IND. TER.

On this day personally appeared before me the United signed authority, W. E. Bozeman, who ~~after~~ having been be me first duly sworn according to law, states on his oath that he was present and saw G. T. Ralls enclosed, ^{a copy of the} petition of Bessie ^{Ellis} Benson and the affidavits of, E. R. Benson, R. H. Lively, Sam Russell and J. R. Williams in an envelope which he seal and properly addressed to Hon. Green McCuttain, Principal Chief of the Choctaw Nation, at San Bois, Ind. Ter., and that he registered said letter to said address, delivered the same to the post master at Muskogee, and received therefor the receipt which is attached hereto.

Affiant further state that he has no interest in the prosecution of this case, and is over the age of 21 years, and is not related to any of the parties, and he is a resident of Muskogee, Ind. Ter.

W. E. Bozeman.

Subscribed and sworn to before me this 30 day of Aug. 1897.

G. V. Ralls,

Notary Public.

Copy

D-325

IN THE UNITED STATES COURT AT SOUTH MCALESTER
FOR THE CENTRAL DISTRICT OF THE IND. TER.

Eugene R. Benson, Mrs. Ella A. Benson
and Bessie Benson and George R. Benson,
by their father and next friend Eugene
R. Benson. -----Plaintiffs.

vs.

Henry L. Dawes, Tams Bixby, Archibald
S. McKennon, and Thomas B. Needles as
Commissioners to the Five Civilized
Tribes-----Defendants.

Notice of Motion for Writ of Mandamus.

To Henry L. Dawes, Tams Bixby, Archibald S. McKen-
non and Thomas B. Needles, Clifton R. Breckenridge as Commissioners
to the Five Civilized Tribes:-

You, and each of you are hereby notified that the
above named plaintiffs have filed a petition asking for a writ
of mandamus against you, and each of you, acting as such Commission-
ers, to compel you to place the names of each of the above plain-
tiffs upon the rolls as members of the Choctaw tribe of Indians,
and to do all things necessary to be done in the preparation of
such rolls in order that the above named plaintiffs, and each of
them shall be fully protected in all their rights, title and in-
terest, both political and in property.

You are further notified that on the 16th day of June
1900 at the hour of 9 o'clock in the forenoon, or as soon there-
after as the same can be heard, the plaintiffs above named will
move the above entitled court for a writ of mandamus against
you as such commissioners, to compel you as such commissioners,

7-D-325

#2

to enroll each of the above named plaintiffs; the plaintiffs Eugene R. Benson and Mrs. Ella A. Benson as citizens of the Choctaw Nation by intermarriage, and the plaintiffs Bessie, and Geo. R. Benson by virtue of being descendants of the said plaintiffs Eugene R. and Ella A. Benson.

You are further notified that the plaintiffs herein will rely upon the right of Eugene R. Benson to be enrolled by virtue of his marriage to a Choctaw woman and his admission as an intermarried citizen, by the Commission to the Five Civilized Tribes on the 2nd day of December, 1896, from which judgment and admission no appeal has been taken.

The plaintiff, Mrs. Ella A. Benson will rely upon her right to be enrolled, by virtue of having been on the _____ day of July, 1896, duly and legally married to the plaintiff Eugene R. Benson, and the petitioners, Bessie Benson and Geo. R. Benson will rely upon their rights to be enrolled by virtue of being descendants of Eugene R. Benson and his wife Ella A. Benson, born after the filing of the application of the said Eugene R. Benson, on the 7th day of September 1896, before the Commission to the Five Civilized Tribes.

You petitioners, will on the hearing of said motion, require you to procure your books showing the admission of the said Eugene R. Benson as an intermarried citizen, and will produce affidavits and etc. in support of the plaintiff's petition.

You are further notified that the plaintiff claim that you have refused, and still refuse to enroll them or either of them.

J. G. Ralls.

Attorney for Plaintiffs.

Copy

7-5-325

Post Office at Muskogee, Ind. Ter.

Registered letter No. 154 Rec'd 8/30/1897 of Ralls Bornters,

Atoka, I. T.,

addressed to Hon. Green McCurtain,

Principal Chief,

San Bois. I. T.

J. M. Berry, P. M.

Copy

7-D-325

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Ralls Brothers^a and E. R. Benson, vs. Choctaw Nation, No. 534.

Fort Smith, Ark., Dec. 3rd 1896.

Sir:

In Compliance with the provisions of the Act of Congress, Approved June 10, 1896, the Commission to the Five Civilized Tribes has considered this application, with proof, and the same has been granted by the Commission.

Respectfully,

H. M. Jackoway, Jr.,

Secretary.

Copy

7-D-325

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Bessie Benson, by her father,
E. R. Benson, -----Plaintiff.

vs.

PETITION FOR ENROLLMENT.

Choctaw Nation -----Defendant.

COMES now Mrs. E. A. Benson and her child Bessie Ella Benson be her father, E. R. Benson, and represents to this Honorable Commission, that both of said plaintiffs are entitled to be placed upon the rolls being prepared by this Hon. Commission as members of the Choctaw Nation, and that they are residents of the Choctaw Nation and have in no way alienated or forfeited their right as such members.

FIRST:- Plaintiffs allege that Mrs. E. A. Benson was on the 12 day of July 1896 a resident of the Choctaw Nation and a single woman, and a citizen of the United States and a white woman, on said day she was legally and in compliance with the laws and customs of the Choctaw Nation and the United States married to E. R. Benson, who was then and there and is now a resident of the Choctaw Nation and a recognized member of the same and as such is duly enrolled by this Hon. Commission; a judgment having been rendered on the 3rd day of Dec. 1896, in the case of E. R. Benson, vs. Choctaw Nation; No. 534 which judgment is now in force and to which the plaintiffs refer and ask that the same be made and considered a part of the evidence in this case.

2nd; Plaintiff further state that by reason of said marriage the plaintiff Bessie Ella Benson was born on the 12 th day of June 1897 to said E. R. Benson and his wife Mrs. E. A. Benson,

#2

Copy

7-5-325

and is a descendant of said E. R. Benson.

Plaintiffs file herewith a copy of the marriage certificate and the affidavit of the attending physician, showing birth and parentage of above Bessie Ella Benson.

Plaintiffs further allege that the plaintiff, Mrs. E. A. Benson, has never filed any application for citizenship for the reason ~~the~~ the Choctaw authorities compiled a roll, supposed to contain the names of the members of the Choctaw Nation and that said roll was not completed until the time for filing applications before this Hon. Commission has expired; and that the said Choctaw authorities, in making up the roll refused to recognize or enroll the above Mrs. E. A. Benson.

And your petitioners further show that the above Bessie Ella Benson was not born in time to have her name placed upon the rolls of the Choctaw Nation as prepared by the Choctaw authorities; or to file her petition with this Hon. Commission, and that she is informed and believes that the Choctaws will refuse to enroll her because she did not have in her veins any Indian blood, although she is a descendant of said E. R. Benson and is entitled to be placed upon the rolls by this Honorable Commission.

WHEREFORE, Your Petitioners pray that both their names be placed upon the roll being prepared by this Honorable Commission and that they be entitled to all the rights, privileges, immunities and benefits, as are members of the Choctaw Nation, and they will ever pray, as they are in duty bound.

E. R. Benson.

United States of America.

Central Judicial District.

Ind. Ter.

Copy

7-5-325

#3

BE IT REMEMBERED that on this day personally appeared before me the undersigned authority, Mrs/ E. A. Benson, who having been by me first duly sworn according to law, states on her oath, that she is one of the plaintiffs above named, and that she has read and known the contents thereof, and the statements therein are true and correct, and that the child who joins with her as plaintiff was born in lawful wedlock, as stated in hte petition.

E. A. Benson.

Subscribed and sworn to before me this 25 day of Aug. 1897.

J. P. Hosey,

Notary Public.

(Seal).

Copy

7-5-325

United States of America,
Central Judicial District,
Ind. Ter.

Be it remembered that on this 25 day of Aug. 1897, personally appeared before me the undersigned authority E. R. Benson, who having been by me first duly sworn according to law, on his oath states that he has read the application of Mrs. E. A. Benson and her child Bessie Ella Benson and that he joins in said petition as the father of said child, and that the statements made in said petition are true; affiant further states that he is a recognized member of the Choctaw Nation by reason of his having heretofore legally married to a citizen by blood of the Choctaw Nation, and that after her death he married the plaintiff in this petition, Mrs. E. A. Benson, who is a white woman, and was a single woman at the time he married her, being a Mrs. E. A. Fields, and that he and she with their family, reside in said Choctaw Nation and have ever since said marriage.

Affiant further states that on account of said second marriage, the Choctaws refused to enroll him, on the last roll prepared by the Choctaw authority, and that, anticipating such action, he filed his petition with this Honorable Commission, and that of the 3rd day of December, 1896 this Hon. Commission rendered a judgment in the case of E. R. Benson, vs. Choctaw Nation, No. 534, granting to him all the rights of Choctaw citizenship, and that he is same E. R. Benson as mentioned in said judgment.

Affiant further states that the child, Bessie Ella Benson, who is one of the plaintiffs in this action, was born on the 12 day of June 1897, and has not been placed upon any roll, the Choctaw roll having been completed before said date.

Copy

7-5-325

#2

Affiant further states that said child is his descendant, born in lawful wedlock, and that he is informed and believe that the Choctaw authority will refuse to recognize said child as a member of the Choctaw Nation, unless this Honorable Commission place its name on the roll as such member.

E. R. Benson.

Subscribed and sworn to before me this the 25 day of Aug. 1897.

J. D. Hosey,

(Seal).

Notary Public.

Copy

7-5-325

United States of America,
Central Judicial District,
Ind. Ter.

Be it remembered that on this 26th day of Aug. 1897 personally appeared before me the undersigned authority, Dr. R. A. Lively, who having been by me first duly sworn according to law, states on his oath that he is a regular practicing physician, and that on the 12th day of June, 1897, he was called to attend Mrs. E. A. Benson, in a case of confinement, and that as result of same there was born to her a female child, who was named Bessie Ella Benson; and that said child was born in legal wedlock, its father being E. R. Benson, who was on the ____ day of July, 1896, legally married to Mrs. E. A. Benson, nee Fields.

Affiant further states that said child is still living with its parents in the Choctaw Nation, and that he has no interest in the prosecution of this case, and is not related to the parties herein.

Robt. A. Lively, M. D.

Subscribed and sworn to before me this the 26th day of Aug. 1897.

R. L. Williams,

Notary Public.

Copy

7-5-325

Central Judicial District,
Indian Territory.

Before me, J. P. Hosey, a Notary Public,
in and for said District, Sam Russell, having first been duly
sworn, says on oath that he knows E. R. Benson, and also Mrs. E.
A. Benson, formally Mrs. E. A. Fields, that he was present at the
marriage of said E. R. Benson and Mrs. E. A. Benson on the 12th
day of July, 1896, which was solemnized in the Choctaw Nation,
near Utica Post Office, by the Rev. Mr. Payne; that on said date
at said place the said couple were duly and legally married by
said Rev. Mr. Payne according to the custom and law of the Choctaw
Nation, and the same was duly published by the Rev. Mr. Payne,
who was a regularly ordained Minister of the Gospel and duly au-
thorized to solemnize said parties in Marriage.

Affiant says that he is of lawful age and not re-
lated to either E. R. Benson or Mrs. E. A. Benson, the herein peti-
tioners.

Sam Russell.

Subscribed and sworn to before me this the 26th day of Aug. 1897.

J. P. Hosey,

(Seal).

Notary Public.

Copy

7-5325

Judicial
Central District.
Indian Territory.

Before me J. P. Hosey, a Notary Public in and for said District, J. R. Williams, having first been duly sworn, says on oath that he knows E. R. Benson and also Mrs. E. A. Benson, formally Mrs. E. A. Fields; that he was present at the marriage of the said E. R. Benson and Mrs. E. A. Benson, on the 12th day of July, 1896, which was solemnized in the Choctaw Nation, near Utica Post Office by the Rev. Mr. Payne; that on said date at said place the said couple were duly and legally married by said Rev. Mr. Payne according to the custom and laws of the Choctaw Nation, and the same was duly published by the said Rev. Mr. Payne who was a regularly ordained Minister of the Gospel, and duly authorized to solemnize said parties in marriage. Affiant says that he is of lawful age and not related to either E. R. Benson or Mrs. E. A. Benson, there herein petitioners.

J. R. Williams.

Subscribed and sworn to before me this the 26th day of Aug. 1897.

J. P. Hosey,

Notary Public.

(Seal).

Muskogee, Indian Territory, May 10, 1900.

Mr. Eugene R. Benson,
Utica, Indian Territory.

Dear Sir:

The Commission is in receipt of an application for enrollment as a citizen of the Choctaw Nation of G. R. Benson, the infant son of E. R. and Ellen A. Benson, and the same is herewith returned to you, for the reason that the Commission cannot accept the same. You were admitted to citizenship in the Choctaw Nation by the Dawes Commission, in case Number 304, as an intermarried citizen, you being a white man, and having no Indian blood. Since that time you have married a non-citizen white, and you have therefore forfeited all right to citizenship in the Choctaw Nation, and the Commission must therefore refuse your enrollment, and also the application for the enrollment of your child.

Yours truly,

In reply to this letter,
please refer to 7-1333.

Acting Chairman.

Quartree, Indian Territory, May 31, 1900.

Mr. J. C. Ralls,

Atoka, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of May 28th, requesting a copy of the judgment admitting E. R. Benson to naturalized citizenship in the Quapaw Nation in case Number 634.

You are advised that there is no copy of the judgment. It was entered on the 1896 docket of citizenship cases that the application was granted. This is all the judgment that was rendered.

Yours truly,

Acting Chairman.

CCNY.

LAW OFFICES OF
HARRISON, HARRIS & OGDEN.

South McAlester, Indian Territory, March 23, 1901.

Commissioner to Five Civilized Tribes,
Muskogee, Indian Territory.

Dear Sirs:

In the matter of the cases of Rebecca G. Harris, et al; Eugene E. Benson, et al; Nancy Marshall, et al; and Nancy Lee Gaudiff vs The Commission to the Five Civilized Tribes, pending in the United States Court for the Central District of the Indian Territory, at South McAlester, we have to advise you as follows:

It will be remembered that these cases were some months ago argued before Judge Clayton, upon demurrers to the petitions of plaintiffs for writ of mandamus. Judge Clayton at the time overruled the demurrers, but no formal orders were made, and thus the matter stood.

We, today, called up these cases with a view to perfecting the record so that appeals might be taken to the higher courts.

In the Harris case the demurrer was overruled. We declined to plead further, and an appeal was prayed and allowed to the higher court, the Court of Appeals for the Indian Territory. In the Benson and Gaudiff cases the condition is the same. In the Marshall case our demurrer was sustained, and plaintiffs allowed further time to amend their petition.

We shall at once perfect the appeals and prepare the cases for submission to the Indian Territory Court of Appeals.
Very respectfully,

Respectfully,

(Signed) Harrison, Harris & OGDEN.

copy.

Muskogee, Indian Territory, April 17, 1901.

Messrs. Mansfield, McMurray & Cornish,
Attorneys for Choctaw & Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:-

Receipt is hereby acknowledged of your letter of March 22, 1901, referring to the matter of the cases of Rebecca C. Harris et al, Eugene R. Benson et al, Nancy Marshall et al and Nancy Lee Cundiff vs the Commission to the Five Civilized Tribes, pending in the United States Court for the Central District of Indian Territory at South McAlester, Indian Territory.

You advise the Commission that these cases were, some months ago, argued before Judge Clayton upon demurrers to the petitions of plaintiffs for writ of mandamus, which, at that time, was overruled by the Court, but no formal orders were made.

It is stated in your letter that you called these cases up March 22, 1901, with a view of perfecting the record, so that appeals might be taken to the higher courts; that in the Harris case the demurrer was overruled and that you declined to plead further and that an appeal was prayed and allowed to the higher court, the Court of Appeals for Indian Territory, the Benson and Cundiff cases remaining in the same condition. In the Marshall case your demurrer was sustained and plaintiffs allowed further time to amend their petition. You further state that you will, at once, perfect the appeals and prepare the cases for submission to the Indian Territory Court of Appeals.

You are informed that copies of your said letter of March

Hansfield, McMurray & Cernish-----

82, 1901, have been filed with each of the cases mentioned therein.

Yours truly,

Acting Chairman.

7-R-121
7-D-828
7-D-800
7-R-62

Muskogee, Indian Territory, January 22, 1902.

G. W. Dukes,

Principal Chief Choctaw Nation,

Talihina, Indian Territory.

Dear Sir:

The Commission is today in receipt under date of January 4, 1902, of your letter addressed to Simon E. Lewis, McAlester, Indian Territory, relative to the rights of E. R. Benson as a citizen of the Choctaw Nation and which has been by Mr. Lewis referred to the Commission for consideration and reply.

You are advised that it appears from our records that on August 16, 1899, Eugene R. Benson, 47 years of age of Utica, Indian Territory, made personal application to this Commission for enrollment as a citizen by intermarriage of the Choctaw Nation. His name was not found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission but it appears from our records that he was admitted as an intermarried citizen of the Choctaw Nation by the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896 by reason of his marriage to Eliza Powell, a citizen by blood of the Choctaw Nation with whom he lived until her death in 1896 but since that time he

U. S. D. A.

has married a white woman citizen of the United States, whose maiden name was Ella A. Betella. The children of Eugene H. Benson by his first marriage have been duly listed for enrollment as citizens of the Choctaw Nation but the question has not passed upon the rights of Eugene H. Benson as acknowledged as a citizen by later marriage of the Choctaw Nation and it is probable that no final action will be taken until such time is fixed or agreed upon for the final closing of the citizenship rolls of the Choctaw Nation.

Yours truly,

Acting Chairman,

T. B. 265

Washington, Indian Territory, January 24, 1908.

Mr. F. L. Smith,

Washington, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th instant, enclosing letter of S. F. Baker, Principal Chief of the Cherokee Nation, in which he desires to be informed relative to the status of one, W. B. Deane as a citizen of the Cherokee Nation.

The Commission has today directed a communication to Governor Dumas in regard to this matter and herewith returns his letter to you.

Very truly,

Acting Chairman.

Enc. 1 165

W B 328

Choctaw D 525
Choctaw D 524

Muskogee, Indian Territory, April 17, 1902.

J. W. Sherrad,

Attorney at Law,

Antlers, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 14th instant, in which you desire to be advised if Eugene R. Benson, G. R. V. Hamilton and Victor W. Locke, Sr. have been enrolled by this Commission as citizens of the Choctaw Nation.

Replying to your inquiry you are informed that it appears from our records that on August 15, 1899, Eugene R. Benson, 47 years of age, of Utica, Indian Territory, made personal application to this Commission for enrollment as a citizen by intermarriage of the Choctaw Nation.

It further appears that this applicant was admitted by the Commission to the Five Civilized Tribes as a citizen by intermarriage of the Choctaw Nation under the act of Congress of June 10, 1897.

At the office of the Commission at Muskogee, Indian Territory, on April 6, 1902, this case was called for final consideration and no appearance was made by or on behalf of the applicant or the Choctaw Nation.

J M 8 2

The Commission will at as early a date as practicable render its decision relative to the rights of the said Eugene R. Benson to enrollment as a citizen by intermarriage of the Choctaw Nation.

You are further advised that it appears from our records that on November 15, 1899, Victor M. Locke, 56 years of age, of Antlers, Indian Territory, made personal application to this Commission for enrollment as a citizen by intermarriage of the Choctaw Nation.

You are further advised that at the office of the Commission at Muskogee, Indian Territory, on April 14, 1902, this case was called for final consideration and no appearance was made by or on behalf of the applicant or by and on behalf of the Choctaw Nation. The Commission will at as early a date as practicable render its decision relative to the rights of the said Victor M. Locke to enrollment as a citizen of the Choctaw Nation.

You are further advised that it does not appear from our records that any application has ever been made by any person by the name of G. E. V. Hamilton for enrollment as a citizen by blood or intermarriage of either the Choctaw or Chickasaw tribes of Indians in Indian Territory.

Our letter of February 27, 1901, addressed to you, is returned herewith.

Yours truly,

Enc. 114

Choctaw 5673

Thomas Stalcup

Transferred from Choctaw cord # D380

5-20-03

5673

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

The record in the matter of the application for the enrollment as a citizen by intermarriage of the Choctaw Nation of

THOMAS STALCUP,

7 D 380

-----o-----

Commission to the Five Civilized Tribes,

Atoka, I. T., Aug. 28, 1899.

In the enrollment of Thomas Stalcup as an intermarried
Choctaw; being sworn and examined by Com'r McKennon he testifies:

Q What is your name? A Thomas Stalcup.

Q How old are you? A Twenty-nine.

Q You present here a license issued on August 22nd, 1899, by the
County and Probate Judge of Panola county, Chickasaw Nation, and
a certificate of marriage of the same date, were you ever married
to this woman before? A Yes sir.

Q When? A The 3rd day of June, 1895.

Q Under the United States laws? A Yes sir.

Q Where? A At Ardmore.

Q This then was a second marriage? A Yes sir.

Q Were you ever separated or divorced from her? A No sir.

Q She was your wife when you married her at this time?

A Yes sir.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, with my official seal as
Commissioner to the Five Civilized Tribes, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. Green

70380

Recorded in Book
A page 68 - this the
22 of Aug 1899

T. W. Short
County and
Probate Clerk
P. C. 67

Panola County Chickasaw nation

any the 22

1899

in the name and by the authority
vested in me J. J. Potts County and
probate judge of panola county
Chickasaw nation

do this day and date issue this as
License to Thomas Stalcup

a citizen of the united states to
marry Georgia Stalcup nee Crockett
a citizen of panola county
Chickasaw nation

To any Licensed minister of the gospel or
judge of any Court of this nation you are
here by authorized to solemnize the
rites of matrimony to the foregoing
parties in this License

Witness my hand

J. J. Potts
County and
Probate Judge of
Panola County C. M.

I
on
I
J. J. Potts certify that
The 22 of August 1899
united in marriage
Mr Thomas Stalcup
and Georgia Stalcup
the parties named in said license.

witness my hand
J. J. Potts
County and
probate judge of
panola county
Chickasaw nation

witnesses
A. L. Hampton
G. A. Pally

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AVLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

Choctaw D-380.

Muskogee, Indian Territory. March 1, 1902.

Thomas Stalcup,

Bee, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 10th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

Register

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 10, 1902.

.....
:: In the matter of the application ::
:: of Thomas Stalcup for enrollment as ::
:: a citizen by intermarriage of the ::
:: Choctaw Nation. ::
.....

D-380.

On the 1st day of March, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of Thomas Stalcup for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory on the 10th day of April, 1902, for final consideration.

Now on this 10th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the Choctaw Nation failed to appear, and the applicant, being called, failed to appear either in person or by attorney.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April, 10th, 1902, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 11th day of April, 1902.

Clarence Mitchell
Notary Public.

Department of the Interior
Commission to the Five Civilized Tribes
Tishomingo, I. T. November 6, 1902.

Choctaw D-380

In the matter of the application for enrollment as a citizen by
intermarriage of the Choctaw Nation of Thomas Stalcup.

Thomas Stalcup being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Thomas Stalcup.
Q What is your age? A Thirty-two.
Q What is your post office address? A Bee.
Q You claim the right to enrollment as an intermarried citizen of
the Choctaw Nation? A Yes, sir.
Q What is the name of your Choctaw wife through whom you claim
the right to enrollment? A Georgie Stalcup.
Q What was her maiden name? A Crockett.
Q Is she living? A No, sir.
Q When did she die? A A little over two years ago.
Q She is a citizen by blood of the Choctaw Nation? A Yes, sir.
Q When did you marry her? A The first time in '95.
Q Under what law was that? A United States law.
Q Did you remarry her after that? A Yes, sir.
Q When? A If I am not mistaken it was '99.
Q Under what law? A Chickasaw law.
Q Procured a Chickasaw tribal license? A Yes, sir.
Q Where were you living when you married under Chickasaw law? A
Bee.
Q Chickasaw Nation? A Yes, sir.
Q How long had you lived in the Chickasaw Nation before you married
under Chickasaw law? A About six or seven years.
Q Was your wife a resident of the Chickasaw Nation at the time you
married her under Chickasaw law? A Yes, sir.
Q Have you continued to reside in the Choctaw-Chickasaw country
continuously since your marriage under Chickasaw law? A Yes, sir.
Q You have not been outside of the Indian Territory since then
to establish a residence or make a home? A No, sir.
Q Did you and your wife live together continuously from the
time of your marriage up until her death? A Yes, sir.
Q There has been no separation of any kind or character between you
A No, sir.
Q Was she your first wife? A Yes, sir.
Q Were you her first husband? A No, sir.
Q Have you remarried since the death of your wife? A No, sir.
Q What was the name of your wife's father? A James Crockett.
Q Was he a citizen by blood of the Choctaw Nation? A No, sir; a
white man.
Q What was the name of your wife's mother? A Her name was Lou
Crockett.
Q Was she a citizen by blood of the Choctaw Nation? A Yes, sir.
Q She is living? A Yes, sir.
Q What is the present name of your wife's mother? A Lousina J.
Taylor.

Lousina J. Taylor is listed for enrollment on Choctaw card
number 310, roll number 653.

#2

- Q Did your wife Georgie Staloup ever reside in Blue County in the Choctaw Nation? A Yes, sir.
- Q When did she reside there? A About 1896 I believe.
- Q You were residing there at that time? A Yes, sir.
- Q You stated that she died in 1900? A Yes, sir.
- Q What was her age at that time? A Twenty-three
- Q Then she was 19 or 20 years of age in 1896? A Yes, sir.
- Q The name of George Staloup appears upon the 1896 Choctaw Roll page 300, number 11617 and upon the same roll at page 305, number 11809 appears the name of Georgia Staloup; do you know whether that is one and the same person? A That is the only one I know of.
- Q This Georgia Staloup upon that roll is your wife? A Yes, sir.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on November 6, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Subscribed and sworn to before me this 17 day of January 1903.

Charles H. Sawyer
Notary Public.

L.S.D. 22A
7 D 380.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.



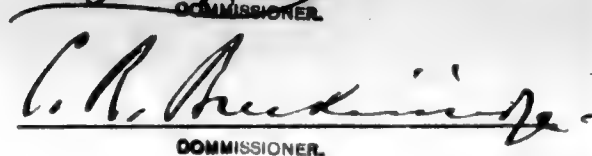
In the matter of the application for the enrollment of
Thomas Stalcup as a citizen by intermarriage of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that Thomas Stalcup, on August 22, 1899, was married in accordance with the laws, customs and usages of the Chickasaw Nation to Georgia Stalcup, a recognized citizen by blood of the Choctaw Nation, whose name is identified on the 1896 Choctaw census roll, page 305, number 11,809, enrolled as a citizen by blood of the Choctaw Nation; that at the time of said marriage both persons above mentioned were residents in good faith of the Chickasaw Nation, and that they resided in said nation as husband and wife from the date of said marriage up to the time of the death of the said Georgia Stalcup in 1900, since which time this applicant has resided in Indian Territory, and had not re-married up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that Thomas Stalcup should be enrolled as a citizen by intermarriage of the Choctaw Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495), and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.

COMMISSIONER.

COMMISSIONER.

Muskogee, Indian Territory,

MAY 5 1903

Choctaw D 380

COPY.

Muskogee, Indian Territory, May 5, 1903.

Thomas Stalcup,

Bee, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission rendered May 5th, 1903, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED,

Tama Bixby.
Chairman.

Registered
May 11, 1903.

Chectaw D. 389

COPY.

Muskogee, Indian Territory, May 5, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Chectaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission rendered May 5th, 1903, granting the application of Thomas Staloup as a citizen by intermarriage of the Chectaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Chectaw Nation. If at the expiration of that time no protest has been filed the name of the applicant will be placed upon the final rolls of the citizens of the Chectaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED:

Tams Bixby
Chairman.

Registered.
Enc. MT. 10

MEMORANDA.

we

(Date) Aug 28 1899.

Name Thomas Stalcup

Choctaw? yes County _____ Year _____ No. _____

Chickasaw? _____ County _____ Year _____ Page _____

Citizen by blood? _____ Mother's citizenship yes

Intermarried citizen? yes

Married under what law? State

License filed this day, yes

Wife's name, _____

Choctaw? _____ County _____ Year _____ No. _____

Chickasaw? _____ County _____ Year _____ Page _____

Citizen by blood? _____ Mother's citizenship _____

Intermarried citizen? _____

Married under what law? _____

License filed this day _____

Names of children:

_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____
_____	County _____	Year _____	Page _____	No. _____

As to remarriage see his testimony

D380

7-5678

Muskogee, Indian Territory, May 28, 1908.

Thomas Staloup,

Bee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 23, in which you ask if protest has been filed against your enrollment as an intermarried citizen.

In reply to your letter you are informed that it does not appear from our records that any protest has been filed by the attorneys for the Choctaw and Chickasaw Nations against your enrollment as an intermarried citizen of the Choctaw Nation. You have been enrolled by this Commission as an intermarried citizen of the Choctaw Nation and your name has been placed upon schedule of intermarried citizens of said nation, prepared for forwarding to the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Choctaw D-390

Muskogee, Indian Territory, September 1, 1904.

Henry Byington,
Caddo, Indian Territory.

Dear Sir :-

Receipt is hereby acknowledged of your letter of August 29, 1904, requesting to be advised if Mrs Hattie S. Love, wife of Buck Love, has yet been placed upon the final rolls of intermarried Chickasaw citizens.

You are informed that the application of Hattie Simpson Love, of Purcell, Indian Territory, for enrollment as an intermarried citizen of the Chickasaw Nation, was duly considered by this Commission, and on June 21, 1904, her application was refused. On the same day she and her attorneys were notified of the action taken by the Commission.

The record in the matter of her application has been forwarded to the Department of the Interior, and the applicant and her attorneys will be duly notified of the action taken thereon by the Secretary of the Interior.

Respectfully,

Chairman.

Choctaw 5874

James Rhea

Transferred from Choctaw 5874 under
Dept. decision of May 21, 1903

5874

C O P Y.

In the matter of the application of James and Eugenia Rhea
for enrollment as Choctaw citizens.

Eugenia Rhea being sworn says:

I live at South McAlester. I have lived there since August 1888.
I was born and raised in the Territory. Since I have been married
I have lived in Texas, but parts of every year I have lived in
the Territory. I was married in 1888.

My husband has an office in the Territory and an office in
Texas. He has had an office in the Territory since August.

He owns a house in Denison. I do not know about his voting
in Denison. We have no house in South McAlester, but I have
a farm at Stonewall. I have never abandoned the Territory.

When I married Dr. Rhea I went to Texas to live with him.

O. P. T.

James H. being sworn says:

I made my case out legally before the Texas Commission and proved that we were married according to the law. I paid \$50.00 for the license. We had the license, but we kept it with my wife's stepmother and when she died, another family lived in the house, and it was hidden.

DEPARTMENT OF THE INTERIOR
Commission to the Five Civilized Tribes.

-----o-----

South McAlester, Indian Territory, March 23rd, 1899.

-----X
In the matter of the Application
of James Rhea for Enrollment as
a Choctaw citizen.
-----X

James Rhea, after being duly sworn by Commissioner T. B. Needles, was examined by Commissioner A. S. McKennon, and testified as follows:

Q: When were you married? Answer: In 1889.

Q: You were then residing in Denison, Texas? Answer: Yes sir.

Q: You continued to reside there? Answer: Yes sir.

Q: Up to what time? Answer: August, 1898.

Q: Did you then remove to the Territory? Answer: Yes sir.

Q: Are you still living in the Territory?

A: Yes sir, move here first (to South McAlester) and then moved from here to Durant. I have been living there ever since. I still have an office in Denison and have a man in charge there.

Q: Your residence is in the Territory now? Answer: Yes sir.

Q: Have no residence in Texas? Answer: Live in Durant.

Q: Have you been residing in the Territory, making it your home solely? Answer: Yes sir.

Q: Since the first day of August? Answer: Yes sir.

Q: Was it the first day or a little after?

A: It was a little after, I think. It was some where from the 1st to the 10th of August.

(2)

By Judge Yancey Lewis:

Q: Were you married in conformity with Choctaw law?

A: Yes sir.

Q: Where was it celebrated? Answer: At Stonewall.

Q: Was it Chickasaw or Choctaw law you were married under?

A: Chickasaw law, perhaps; it is in the Chickasaw Nation.

Q: You stated that you continued to reside in Denison. Was it the purpose or intention of your ~~marriage~~ wife, so far as you know, to abandon her residence in the Territory?

A: No sir. We tried to get land in the Territory but could never get it without paying a high price for it. I could not make a living in the Territory in my profession.

Q: Were those your reasons?

A: Yes sir, and the unsettled conditions of affairs. I thought I would wait until matters took some definite shape.

Q: Was it your purpose to make ultimate residence in the Territory, at the time you married?

A: Yes sir, we intended to do that.

Q: What was the reason you say that caused you not to ~~stay~~ take up your residence there immediately?

A: One was that I could not make a living in the Territory at my profession and the other was that I could not get land without buying and paying a high price, and I did not want to do that. I negotiated with parties for land but could not get it without paying as high a price as I would have to pay in Texas.

Q: You say that the fact that you were unable to obtain desirable land without paying the prices that were asked, caused you to defer coming over until you could obtain such allotment under legal process?

A: Yes sir.

(3)

Q: How often were you and your wife in the Territory?

A: She was there about twice a year, and nearly every summer.

By Captain McKennon:

Q: Do you not know that there were thousands upon thousands of acres of good land in the Chickasaw Nation that was unoccupied?

A: There was in large pastures, and they had claims on it.

Q: You probably have not traveled over it?

A: Yes sir, I have, but when you go to enquire about the vacant land you find some one claims it.

Q: Do you know that unless they were occupying it they had no claim?

A: You could not get it.

(Excused)

U. S. DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

JAMES HICKS et al., Denison, Texas.

Vs.

No. 222.

Cherokee Nation.

FORT SMITH, ARK., Dec. 2nd, 1896.

Sir:

In compliance with the provisions of Act of Congress,
approved June 10, 1896, the Commission to the Five Civilized
Tribes has considered this application, with proof, and the same
has been GRANTED by the Commission.

Respectfully,

H. M. JACOWAY, JR.,

Secretary.

3087.

CITIZENSHIP COMMISSION,

EXECUTIVE SECRET.

I.E.

THIS IS TO CERTIFY THAT JAMES EARL RAYMOND
enrolled as a citizen of the United States by interview
conducted in the Citizenship Bureau and is therefore entitled to all
rights and privileges accorded to citizens by laws of the United States.
Witness my hand this 28 day of May 1962.

(Signed) JAMES EARL RAYMOND

J. EARL RAYMOND

Chairman Civ. Com.

Chief Civ. Com.

IN RE
Application for Enrollment of
INFANT CHILD

as a citizen of the

Nation.

Approved _____ *190* _____

Commissioner

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

COPY.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the CHOCTAW Nation,
 of DURANT, born on the 2nd day of November, 1899,
(Here insert name of child.)
 Name of Father: James Rhea, a citizen of the Choctaw Nation.
 Name of Mother: Eugenia Rhea, a citizen of the Choctaw Nation.
 Post-Office: Durant, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Central District.

I, Eugenia Rhea, on oath state that I am 33
 years of age and a citizen, by blood, of the Choctaw Nation;
 that I am the lawful wife of James Rhea, who is a citizen, by
marriage, of the Choctaw Nation, that a girl child was
(Male or female.)
 born to me on the 2nd day of November, 1899, 1899; that said child has been
 named Elizabeth Rhea, and is now living.

(Signed) Eugenie Rhea.

WITNESSES TO MARK:

SEAL.

(Must be Two
Witnesses.)Subscribed and sworn to before me this 27th day of November, 1899, 1899(Signed) J.H. Randell,For Grayson County, Texas.

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Central District.

I, Wm. M. Nagle, a physician, on oath state that I
 attended on Mrs. Eugenia Rhea, wife of James Rhea,
 on the 2nd day of November, 1899, 1899; that there was born to her on said
 date a girl child; that said child is now living and is said to have been
(Male or female.)
 named Elizabeth Rhea.

(Signed) Wm. M. Nagle, M.D.

WITNESSES TO MARK:

(Must be Two
Witnesses.)Subscribed and sworn to before me this 29th day of November, 1899, 1899(Signed) J.H. Randell,

SEAL.

In and for Grayson County, Texas. Notary Public.

C O P Y.

BEFORE THE COMMISSION OF THE UNITED STATES TO THE
FIVE CIVILIZED TRIBES,
SITTING AT SOUTH WEALESTER.

In re
Citizenship case of Dr. ~~James~~ et al.

B R I E F.

-0-

I.

That the action of the Commission in admitting applicants to citizenship under the act of 1898 is a judgment which, not having been appealed from as permitted under that act, became final.

II Freeman on Judgments, 4th Ed. 651.
II Black on Judgments, 651.
Wilcox vs. Jackson, 13 Pet., 511; (U.S.)
Little vs. Arkansas, 9 How., 355; (U.S.)
Barnard vs. Ashley, 18 How., 44; (U.S.)
Garland vs. Wirt, 40 How., 8; (U.S.)
Johnson vs. Townley, 15 Wall., 72; (U.S.)
Warren vs. Van Brunt, 19 Wall., 653; (U.S.)
Shapley vs. Cowan, 81 U.S., 340;
Moore vs. Robbins, 96 U.S., 535;
Beard vs. Federy, 3 Wall., 478; (U.S.)
U.S. vs. Minor, 114 U.S., 235;
Eureka vs. Bailey Co., 11 Wall., 488; (U.S.)
Rubber Co. vs. Goodyear, 9 Wall., 788; (U.S.)
Casey vs. Galli, 94 U.S., 678;
U.S. vs. McDowell, 21 Fed. Rep., 563.

II.

That this judgment is conclusive of the existence of every fact whose existence was necessary to be found in order to authorize the rendition of the judgment.

II Black on Judgments, 503, 504, 505;
Borer vs. Chapman, 119 U.S., 257;
Keeble vs. Riverside Ind. Dis., 144 U.S., 210;
Wilmington & F.R. Co. vs. Alabach, 146 U.S., 279;
Dowell vs. Applegate, 152 U.S., 227.

III.

The Act of June 25, 1898, enacting: "No person shall be

enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship" is by every canon of construction to be treated as prospective and not as retrospective.

Thus Mr. Cooley in his discussion of declaratory statutes considers the question whether in their enactment the legislature is within the limits of its authority. He says:

"The decision of this question must depend, perhaps, upon the purpose which was in the mind of the legislature in passing the declaratory statute, whether the design was to give to the rule now declared a retrospective operation, or, on the other hand, merely to establish a construction of the doubtful law for the determination of cases that may arise in the future. It is always competent to change an existing law by a declaratory statute, and where the statute is only to operate on future cases, it is no objection to its validity that it assumes the law to have been in the past what it is now declared that it shall be in the future; but the legislative action can not be made to retroact upon past controversies and to reverse decisions which the courts, in the exercise of their undoubted authority, have made; for this would not only be the exercise of judicial power, but it would be its exercise in the most objectionable and offensive form, since the legislature would ineffect sit as a court of review, to which parties might appeal when dissatisfied with the rulings of the courts."

Cooley's Const. Lim., 115.

The approved definition of a retrospective statute is:
A statute which takes away or impairs any vested right acquired under existing laws or creates a new obligation or imposes a new duty or attaches a new disability in respect to transactions or considerations already past.

Society for Prop. of Gospel vs. Wheeler, 8 Gallison, 105.
Sedgwick's Construction of Stat. and Const. Law, 160.

In the Federal Courts the general rule is that the statutes shall not operate retrospectively.

U.S. vs. Reth, 3 Cranch., 399;
Harvey vs. Tyler, 2 Wall., 333;
Prince vs. U.S., 2 Gall., 204;
Warren Mfg. Co. vs. Aetna Ins. Co., 2 Payne, 501.

In the state courts the rule is that the statutes shall be construed as prospective.

Bartruff vs. Roney, 15 Ia., 257;
North Bridgewater Bank vs. Copeland, 7 Allen, 159;
Richardson vs. Cook, 37 Vt. 599;

Hannum vs. Bank of Tenn., 1 Cold., 398;
Taylor vs. Mitchell, 57 Penn., 309;
Williams Adm. vs. Johnson Adm., 30 Md., 500.

An illustration of the application of the rule of construction invoked is found in the construction which the United States Courts in the Indian Territory have already placed upon another provision of the Act of June 25, 1898. By section 16 of said act it is made unlawful for any person after the passage of the act to claim, demand or receive for his own use or the use of any one else, any royalty on oil, coal, asphalt or other mineral, etc. It will be noted that the terms of this provision are general and sufficiently comprehensive to include royalties that had accrued prior to the enactment of the act, but which had not been paid. Yet, in a case at Atoka, wherein nearly \$5000 of past due royalties were demanded by the persons theretofore entitled to the same, Judge Clayton rendered judgment for the claimants, holding that this statute should not be construed to have a retrospective operation, but a prospective operation only, dating from the day of its enactment; that it did not operate upon royalties or demands therefor arising prior to June 25th, but only as to demands for royalty accruing after that date. Mr. Oglesby, the counsel for the coal company, has admitted to me and to other persons his opinion as to the correctness of this ruling.

In the case of McBride vs. Southwestern Coal & Improvement Company at the present term of court at Atoka, Judge Clayton rendered judgment for the claimants to coal royalties of \$2800, overruling the suggestions of the defendants that the above provision of this act had the effect to deprive the claimants of their rights to royalties accruing before June 25th, but demand for which was asserted after the enactment of the act. That this ruling is correct will hardly be denied by any lawyer of respectable standing.

IV.

That if the statute is to be construed to be retrospective or retroactive and to impose limitations upon the rights of those whose rights had already been established by final judgments, it is unconstitutional and therefore nugatory.

McFadden vs. Blocker, 48 S.W.R., 1045; (decided by Judge Clayton);
I Black on Judgments, 228;

After a cause has once passed to final judgment it becomes incompetent for the legislature to pass any act which, by retrospective operation, should invalidate previous proceedings or unsettle the conclusive nature of a definitive adjudication at law.

Black on Const. Prohibition, 180;
Memphis vs. U.S., 97 U.S., 921;
I Freeman on Judgments, 4th Ed., §90.

V.

That after her marriage Mrs. Rhea was in law subject to the will of her husband in the selection of a place of residence. That the performance of the duty of obedience entailed by the law can not be made to work a forfeiture of rights already existent and perfect because of her birth and prior residence in the Chickasaw Nation. That during the minority of her child, it was incapable of having a residence apart from its father's, and that upon these considerations the terms of the statute are inapplicable to their cases.

These propositions are deemed to be so obviously correct that citation of authorities is not deemed necessary.

Respectfully submitted.

(Signed) Yancy Lewis,

Attorney for Applicants.

C O P Y.

Choctaw D-74.

Muskogee, Indian Territory. February 28, 1908.

James Rhea,

Care J.H. Randall, Attorney at Law,
Denison, Texas.

You are hereby notified that your application for the enrollment of yourself, your wife Eugenie Rhea, and your minor son, Willie Rhea, will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 3rd day of April, 1908.

On said date you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to satisfy you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

T.B. NEEDLES,

Commissioner in Charge.

Register.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, Indian Territory, April 2nd, 1902.

D--74

In the matter of the application of James Rhea, et al., for enrollment as citizens of the Choctaw Nation.

James Rhea, having been first duly sworn, upon his oath testifies as follows:

By the Commission:

Q What is your name? A James Rhea.
Q What is it you wish to state, Mr Rhea? A I just want to state that we have lived in the territory continuously since about August first, 1898, and still live here.
Q What is your post office address? A Sterrett, Choctaw Nation.
Q How far from Sterrett do you live? A I live right in Sterrett now.

(Applicant excused)

Eugenie Rhea, having been first duly sworn, upon her oath testifies as follows:

By the Commission:

Q What is your name? A Eugenie Rhea.
Q What statement do you wish to make? A I was born and raised in the Chickasaw Nation near Stonewall.
Q What was your maiden name? A Cochran.
Q How long have you been married? A I have been married thirteen years the 24th of April.
Q Did you ever live outside of the territory? A Yes, I have lived outside of the territory.
Q Where do you live now? A Sterrett.
Q How long have you lived in the Choctaw Nation this last time?
A Since August first, 1898; but I have always lived in the territory I have been back at my father's home, and have had property in the nation.
Q But since your marriage you have lived part of the time outside of the nation? A Yes, part of the time in Denison, Texas. We have been admitted on all the rolls ever since I was born.

(Applicant excused)

Harry C. Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 2nd day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 4th day of April 1902

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, Indian Territory, April 3, 1902.

James Rhea, et al.,
vs.
The Cheetaw Nation.
D-74.

In the matter of the application of James Rhea for the enrollment of himself as a citizen by intermarriage of the Cheetaw Nation, and for the enrollment of his wife, Eugenie Rhea and his minor child, Willie Rhea, as citizens by blood of the Cheetaw Nation.

On the 6th day of March, 1902, the attorneys for the Cheetaw and Chickasaw Nations were notified by registered mail, and on the 26th day of February, 1902, the principal applicant was also notified by registered mail that the application of James Rhea for the enrollment of himself, his wife, Eugenie Rhea and his minor child Willie Rhea, as citizens of the Cheetaw Nation, would be taken up by the Commission to the Five Civilized Tribes at its office in Muskegee, Indian Territory, on the 3rd day of April, 1902, for final consideration.

Now, on this 3rd day of April, 1902, this cause coming on to be heard pursuant to said notice, the following appearances were made,

A. Telle, Attorney
for the applicant.

J. G. Halls, Attorney
for the applicant.

G. L. Herbert, Attorney
for the applicant.

No appearance on behalf of
the Cheetaw and Chickasaw Nations.

(2).

The attorneys for the applicant ask that the sworn statement, taken by the Commission on the 2nd day of April, be considered as evidence this date, the same as if taken on the 3rd day of April, no objection being made by the Choctaw Nation to the same.

By the Commission.

The Commission will consider this case on the record as already made up.

-----;

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on the 3rd day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 2 day of April, 1902.

Carmitte Wood

Notary Public.

JRB.
9-1-3-1-74.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-1-

In the matter of the application of James Rhea for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Eugenie Rhea and their two minor children, Willie and Elisabeth Rhea as citizens by blood of the Choctaw Nation.

---: D E C I S I O N :---

It is shown by the census and records of the Commission that on October 13, 1898, James Rhea appeared before the Commission at Sulbert, Indian Territory, and made application for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Eugenie Rhea, and their minor child, Willie Rhea as citizens by blood of the Choctaw Nation. Subsequently, on December 13, 1898, application was filed for the enrollment of the minor applicant, Elisabeth Rhea, and said application was supported by affidavit showing her birth to the applicants, James and Eugenie Rhea, on November 3, 1896. Further proceedings were had in this case at South McAlester, Indian Territory, on March 25, 1899, and also at McAlester, Indian Territory, on April 2, 1900, and April 8, 1902.

It appears from the evidence submitted and the records of the Commission that on December 1, 1901, in the case entitled "James Rhea, et al., vs. Choctaw Nation," 1104 Indian Claims Commission Report, No. 104, the applicant James Rhea, as a citizen by intermarriage, and the applicants, Eugenie and Willie Rhea, as citizens by blood, were by the Commission held to be citizens by blood of the Choctaw Nation, under the provisions of the act of Congress approved June 10, 1900 (31 Stat. 361), and that no appeal was taken from this decision of the Commission.

The applicants, James, Eugenie, and Willie Rhea are the parties to the enrollment, and their names are on the Choctaw census roll.

It further appears from the evidence herein that none of these applicants was on June 20, 1900, residents in good faith of Indian Territory.

It is, therefore, the opinion of this Commission that James Hen is not duly and lawfully entitled to be enrolled as a citizen by intermarriage of the Cherokee Nation, and that Benjamin Hen, Willie Hen and Elizabeth Hen are not duly and lawfully entitled to be enrolled as citizens by blood of the Cherokee Nation, and that the application for the enrollment of James Hen as a citizen by intermarriage, and of Benjamin Hen, Willie Hen and Elizabeth Hen as citizens by blood of the Cherokee Nation, should be refused, under the provisions of section 22 of the act of Congress approved June 20, 1900 (36 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


J. H. Williams,
Commissioner.


C. H. Williams,
Commissioner.


C. H. Williams,
Commissioner.

Muskogee, Indian Territory.

DEC 8 1902

Muskogee, Indian Territory, January 10, 1903.

The Honorable,

the Secretary of the Interior,

Sir:

There is herewith transmitted a copy of the testimony taken at Atoka, Indian Territory, November 21, 1902, in the matter of the application for enrollment as citizens of the Choctaw Nation of James Rhea and his wife, Eugenia Rhea and his children, Willie and Elizabeth Rhea, the record in which case was forwarded on December 8, 1902. This was not transmitted at the time the record was forwarded for consideration for the reason that the testimony had not at that time been transcribed by the stenographer who reported the case at Atoka, Indian Territory, on November 21, 1902.

Respectfully,

Choctaw D 74.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. Nov. 21, 1902.

7-174

In the matter of the application of James Rhea for enrollment
as an inter-married citizen of the Choctaw nation.

James Rhea being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A James Rhea.
Q How old are you? A I am forty five.
Q What is your post office address? A Sterret, Indian Territory.
Q Is that in the Choctaw Nation? A Yes sir.
Q How long have you been a resident of the Choctaw nation? A About
four years.
Q Lived here continuously for that length of time- 4 years? A Yes
sir.
Q What was the exact date of your removal to the Territory? A Well,
I don't know exactly-- about August 1st, 1898.
Q Where did you live before that? A Denison, Texas.
Q Do you claim inter-married rights in the Choctaw Nation? A Yes
sir.
Q What is the name of your Choctaw wife through whom you claim
those rights? A Eugenia Cochran.
Q Is she a recognized citizen of the Choctaw Nation? A Yes sir.
Q When were you married to her? A Married in 1899.
Q Where was this marriage ceremony performed? A Stonewall, Choctaw
Nation.
Q Stonewall is in the Chickasaw Nation. A I should have said
Chickasaw Nation.
Q Were you a resident of the Chickasaw Nation at that time? A Yes
sir.
Q Was she a resident of the Chickasaw Nation at that time? A Yes
sir.
Q You had never lived in the Territory up to that time? A No sir.
Q Were you married in accordance with the Chickasaw tribal laws?
A Yes sir.
Q Did you procure a marriage license? A Yes sir.
Q From whom did you procure that marriage license? A Martin Chea-
dle, I believe.
Q How much did you pay for that license? A \$50.00
Q Who performed the marriage ceremony? A Father Hillary, a Catholic
Priest who was at Lehigh at that time.
Q Since your marriage to Eugenia Cochran have you lived together
continuously as husband and wife up to the present time? A Yes sir.
Q There has been no separation, abandonment or divorce? A No sir.
Q Were you an applicant before this Commission in 1896 for ad-
mission to citizenship in the Choctaw Nation? A Yes sir.
Q What was done with your application at that time? A What was done
A It was granted; the certificate filed with that Commission with
a seal on it in 1896 granting my citizenship with my wife and
child-- you will find that certificate filed with the records of the
case.

Henry G. Smith being sworn on his oath states that as stenographer
to the Commission to the Five Civilized Tribes he reported the pro-
ceedings had in the above entitled case on November 21, 1902, and

that this is a full, true and correct transcript of his stenographic notes in case.

Henry S. Davis

Subscribed and sworn to before me this 15 day of December, 1902.

J. C. Bolger
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
CHOCTAW LAND OFFICE.

Atoka, Indian Territory, May 26, 1904.

7-5674

Roll-15032

In the matter of the enrollment of Willie Rhea,
Choctaw Card No. 5674, approved roll No. 15032.

James Rhea being first duly sworn on oath testifies
as follows:

EXAMINATION BY THE COMMISSION:

- Q What is your name? A James Rhea.
Q What is your post office address? A Sterrett, Ind. Ter.
Q Are you married? A Yes sir.
Q What is the name of your wife? A Eugenie Rhea.
Q Give the names of your children, if you have any? A Willie
and Elizabeth.
Q Is this child Willie a male or female? A Female.
Q Are you a citizen of the Choctaw Nation? A I am an applicant
as an intermarried citizen, my case not having been finally
determined.

Witness and his family appear upon Choctaw Card No. 5674,
his wife and two children as citizens by blood, approved
roll Nos. 15031 to 15033 inclusive. The witness is listed
for enrollment as an applicant for enrollment as a cit-
izen of the Choctaw Nation by intermarriage, whose ri ght
to such enrollment has not been finally determined.

- Q Your wife has heretofore made application for a selection of
land for this child Willie, has she not? A Yes sir.

It appears from the records of the Choctaw Land Office
that on March 10, 1904, Eugenie Rhea, the mother of
Willie Rhea, appeared at the Choctaw Land Office and
selected lands in allotment to the value of \$1010.00
for account of said Willie Rhea.

- Q What is your object in appearing at the Choctaw Land Office
today? A To have the sex of this child changed from male to
female, in order that the record as to her allotment may be
clear.

- - - - Witness excused - - - - -

Lewis T. Martin on oath states that the above is a full,
true and correct transcript of his stenographic notes as taken in
said cause on May 26, 1904.

Sworn to before me this May 26, 1904.

Lewis T. Martin
W. A. Shelby
Notary Public

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. Nov. 21, 1902.

7-DV4

In the matter of the application of James Rhea for enrollment
as an inter-married citizen of the Choctaw nation.

James Rhea being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A James Rhea.
Q How old are you? A I am forty five.
Q What is your post office address? A Sterret, Indian Territory.
Q Is that in the Choctaw Nation? A Yes sir.
Q How long have you been a resident of the Choctaw nation? A About four years.
Q Lived here continuously for that length of time- 4 years? A Yes sir.
Q What was the exact date of your removal to the Territory? A Well, I don't know exactly-- about August 1st, 1898.
Q Where did you live before that? A Denison, Texas.
Q Do you claim inter-married rights in the Choctaw Nation? A Yes sir.
Q What is the name of your Choctaw wife through whom you claim those rights? A Eugenia Cochran.
Q Is she a recognized citizen of the Choctaw Nation? A Yes sir.
Q When were you married to her? A Married in 1889.
Q Where was this marriage ceremony performed? A Stonewall, Choctaw Nation.
Q Stonewall is in the Chickasaw Nation. A I should have said Chickasaw Nation.
Q Were you a resident of the Chickasaw Nation at that time? A Yes sir.
Q Was she a resident of the Chickasaw Nation at that time? A Yes sir.
Q You had never lived in the Territory up to that time? A No sir.
Q Were you married in accordance with the Chickasaw tribal laws? A Yes sir.
Q Did you procure a marriage license? A Yes sir.
Q From whom did you procure that marriage license? A Martin Cheadle, I believe.
Q How much did you pay for that license? A \$50.00
Q Who performed the marriage ceremony? A Father Hillary, a Catholic Priest who was at Lehigh at that time.
Q Since your marriage to Eugenia Cochran have you lived together continuously as husband and wife up to the present time? A Yes sir.
Q There has been no separation, abandonment or divorce? A No sir.
Q Were you an applicant before this Commission in 1896 for admission to citizenship in the Choctaw Nation? A Yes sir.
Q What was done with your application at that time? A It was granted.
A It was granted; the certificate filed with that Commission with a seal on it in 1896 granting my citizenship with my wife and child-- you will find that certificate filed with the records of the case.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled case on November 21, 1902, and

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that this is a full, true and correct statement of all the
graphic notes in case,

Henry B. Harris

Subscribed and sworn to before me this 15 day of December, 1902.

J. C. Bolger
Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, Indian Territory, April 3, 1902.

1902.

James Rhea, et al.,	
vs.	D-74.
The Choctaw Nation.	

In the matter of the application of James Rhea for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Eugenie Rhea and his minor child, Willie Rhea, as citizens by blood of the Choctaw Nation.

On the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, and on the 26th day of February, 1902, the principal applicant was also notified by registered mail that the application of James Rhea for the enrollment of himself, his wife, Eugenie Rhea and his minor child Willie Rhea, as citizens of the Choctaw Nation, would be taken up by the Commission to the Five Civilized Tribes at its office in Muskegee, Indian Territory, on the 3rd day of April, 1902, for final consideration.

Now, on this 3rd day of April, 1902, this cause coming on to be heard pursuant to said notice, the following appearances were made.

A. Telle, Attorney for the applicant.	:	No appearance on behalf of the Choctaw and Chickasaw Nations.
J. G. Bails, Atter- ney for the applicant.	:	
G. L. Herbert, At- terney for the applicant.	:	

(2).

The attorneys for the applicant ask that the sworn statement, taken by the Commission on the 2nd day of April, be considered as evidence this date, the same as if taken on the 3rd day of April, no objection being made by the Choctaw Nation to the same.

By the Commission.

The Commission will consider this case on the record as already made up.

-----;-----

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on the 3rd day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 3rd day of April, 1902.

Clara M. Talbot

Notary Public.

COMMUNICATIONS:
HENRY L. DAVIS,
TAMM DIBBY,
THOMAS D. NEEDLES,
C. R. BRICKNIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Waseco, Indian Territory,

August 18th, 1900.

James Rhea,

South McAlester, Indian Territory,

Dear Sir:

You are hereby notified that the Chectaw Nation through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment and the enrollment of Eugenie, and Willie Rhea as citizens of the Chectaw Nation.

The Commission, commencing December, 3rd, 1900 held a session at Atoka, Indian Territory. At that time both you and the Chectaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Tamm Dibby

Acting Chairman.

7-2-74.

COMMISSIONERS:
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRICKNORRIDGE.
ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 18, 1900.

Eugenie Rhea,

South McAlester, Indian Territory.

Dear Madam:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. However, the notice of protest has been withdrawn in your case by the attorneys for the Nation.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Tamm Bixby
Acting Chairman.

Washburn, Indian Territory, October 1, 1900

J. H. Randell,
Attorney at Law,
306 Main Street,
Denison, Texas.

Dear Sir:

The Commission is in receipt of your letter of the 29th
ultimo in which you state that Mr. James Rhea has requested you to
write the Commission regarding the present status of the application
of Elizabeth Rhea for enrollment as a citizen of the Choctaw Nation
by blood. You state in your letter that Elizabeth Rhea was born
November 4th, 1890.

You are informed that the records of this Commission show
that Elizabeth Rhea, the infant daughter of James and Eugenie Rhea
on December 18th, 1899, was listed for enrollment as a doubtful
claimant for citizenship in the Choctaw Nation.

The records of the Commission show further that the
father and mother of this child had not removed to the Indian
Territory as provided in the act of Congress of June 25th, 1896,
which reads as follows:

"No person shall be enrolled who has not heretofore removed to and
is good faith settled in the nation in which he claims citizenship."

The Commission has been informed that James Rhea is
dead but you state in your letter that Mr. James Rhea requested you
on September 20th to inquire of this Commission concerning the en-
rollment of his daughter. If you will kindly inform the Commission

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J. H. R. S--

as to the Dr. James Rhea of whom you have written and give full
details as to the time and place he appeared as an applicant for
enrollment and any other information that may lead to his identifica-
tion and the matter will be given further consideration.

Yours truly,

Acting Chairman.

In reply please refer
to 7 D-74

Muskogee, Indian Territory, October 17, 1900.

J. E. Rappell,
Attorney at Law,
Denison, Texas.

Dear Sir:

The Commission is in receipt of your letter of the 4th instant in the matter of the enrollment of James Rhea, his wife and children as citizens of the Choctaw Nation.

You enclose in your letter a copy of letter of the Commission of January 18th, 1900, to Yancy Lewis, attorney at law, South McAlester, in which the Commission advises Mr. Lewis that Dr. Rhea and all his family, except his daughter Elizabeth, have been registered by the Commission as entitled to enrollment as citizens of the Choctaw Nation and that a decision as to Elizabeth Rhea would be reached within the next sixty days.

Your letter of the 4th instant and the enclosure therein receive the consideration of the Commission in the final disposition of the application for enrollment of James Rhea, his wife and his two minor children.

Yours truly,

Acting Chairman.

T-2-74

Muskogee, Indian Territory, July 31, 1901.

Mr. J. Rhea,

Sterrett, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 28th instant, stating that the information which the Commission had relative to your death was incorrect; that you are still living and residing with your family near Sterrett, Choctaw Nation, I. T.

You are informed that your letter has been duly filed with the records of the Commission.

Yours truly,

Acting Chairman.

7-D 74

Choctaw D. 74.

Muskogee, Indian Territory, January 10, 1902.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 21, stating that you have been employed by Dr. James Rhea to file with the Secretary of the Interior a brief in behalf of himself and family, applicants for enrollment as citizens of the Choctaw Nation, and asking for copies of the records in this case.

In reply to your letter you are advised that it appears from our records that there are three attorneys of record in this case, and it will therefore be impossible to comply with your request. The same is accompanied by an instrument signed by the other attorneys in the case authorizing you to receipt for the copy of the records.

You are further advised that the Commission has not a sufficient number of copies of the records in its files to permit the withdrawal of one copy of any but the following testimony:

Testimony of James Rhea of November 21, 1902, before the Commission at Atoka, Indian Territory, and copies of the proceedings had in this case at Muskogee, Indian Territory on April 2 and April

J. D. L. S.

4. You are informed, however, that you will be given access to the records of the Commission for the purpose of having copies made in this case if you so desire.

Respectfully,

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Chectaw D 74

Muskogee, Indian Territory, September 17, 1902.

James Rhea,

Sterritt, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th instant, in which you desire to be informed as to the status of the case of your daughter, Elizabeth Rhea, and also when doubtful Chectaw cases will be decided.

You are advised that it appears from the records of this office that an application was made for the enrollment of your child, Elizabeth Rhea, as a citizen of the Chectaw Nation, but up to this time no decision has been rendered in the matter of such application. When a decision is rendered you will be duly advised thereof and of the forwarding of the record in the case to the Secretary of the Interior for his review.

You are further advised that no definite date has been agreed upon for the determination of doubtful Chectaw cases.

Yours truly,

Acting Chairman.

D.Q. 15856

Copy

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I.T.D.

SVP

3886-1903. F.L.C.

May 21, 1903.

The Commission to the
Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

I have considered the proceedings of your Commission upon the application of James Rhea for enrollment of himself, his wife, Eugenia Rhea, and their two minor children, Willie and Elizabeth as citizens of the Choctaw Nation. Your Commission found:

It appears from the evidence submitted and the records of the Commission that on December 3, 1896 in the cause entitled "James Rhea, et al., vs. Choctaw Nation" (1896 Choctaw Citizenship Docket No. 690), the applicant James Rhea, as a citizen by inter-marriage and the applicants, Eugenia and Willie Rhea as citizens by blood, were by the Commission admitted to citizenship in the Choctaw Nation under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321) and that no appeal was taken from this decision of the Commission.

The applicants, James Eugenia and Willie Rhea are identified as respectively, Nos. 15004, 10953, and 10954 on the 1896 Choctaw census roll.

It further appears from the evidence herein that none of these applicants was on June 28, 1898 resident in good faith of Indian Territory.

The evidence further shows that Eugenia Rhea was born of Choctaw citizens, and always lived in the Indian country to April, 1889, when she was married, in due form of the Indian laws, to James Rhea, a white man. After her marriage she resided in Texas with her husband until some time in August 1898, when they returned to the Territory and have since lived there--first at South McAlester and later at Durant. Their testimony is that they never intended permanently to abandon the territory and always regarded it as their home. The residence in Texas was for her husband more

profitably to practice his profession. She and her son were enrolled December 3, 1896, by the Commission to the Five Civilized Tribes under the act of June 10, 1896 (29 Stat., 321, 339) as citizens by blood, and her husband was so enrolled as a citizen by intermarriage. He was also so enrolled by the citizens' committee August 22, 1898. The child Elizabeth was born November 2, 1899. Eugenia Rhea testified that she has maintained a farm and has kept property at Stonewall, and that she has lived part of every year, nearly every summer, in the territory, being there generally twice a year. The Choctaw Nation appears to have made no objection to the applications.

Upon these facts your Commission decided that:

It is, therefore, the opinion of this Commission that James Rhea is not duly and lawfully entitled to be enrolled as a citizen by intermarriage of the Choctaw Nation, and Eugenia Rhea, Willie Rhea and Elizabeth are not duly and lawfully entitled to be enrolled as citizens by blood of the Choctaw Nation, and that the application for the enrollment of James Rhea as a citizen by intermarriage and of Eugenia Rhea, Willie Rhea and Elizabeth Rhea as citizens by blood of the Choctaw Nation, should be refused, under the provisions of section 21 of the act of Congress approved June 28, 1896 (30 Stats., 498) and it is so ordered.

For the reasons stated at length in the case of Joseph D. Yeargain (Cherokee), March 16, 1903, in view of the Department the rejection of the applications was not justified by the facts and law thereto applicable, and the decision of your Commission is disapproved. Your Commission will allow the application and enroll the applicants.

Very respectfully,

THOS. RYAN.
Acting Secretary.

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To S M.

Department of the Treasury
Commissioner of Internal Revenue
Washington, D.C. 20548
November 2, 1955

I, the undersigned, member of the Commission on the
Organized Crime, do hereby certify that the enclosed is a
complete copy of the original now on file with the Commission.

Land.
73818-1902.
3889-1903.
9641-1903.

Copy.
Department of the Interior,
Office of Indian Affairs,
Washington, April 14, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith report from the present Chairman of the Commission to the Five Civilized Tribes, dated December 8, 1902, forwarding for the Department's consideration, the record relative to the application of James Rhea, for the enrollment of himself, his wife, Eugenie Rhea, and his two minor children, Willie and Elizabeth Rhea, as citizens of the Choctaw Nation. James Rhea applied for enrollment as an intermarried citizen, and for the enrollment of the other parties to the application, as citizens by blood of the Choctaw Nation.

December 8, 1902, the Commission held that the applicants were not residents in good faith on June 23, 1898, of the Indian Territory, and therefore they are not entitled to enrollment as citizens of the Choctaw Nation.

The record in the case shows that the names of James, Eugenie and Willie Rhea appear on the 1896 Choctaw census roll, opposite Nos. 10004, - 10053 and 10054, respectively. The record also shows that in 1896 James Rhea, Eugenie and Willie Rhea were admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, - James Rhea as a citizen by intermarriage and the other two as citizens by blood, and that no appeal was taken from

the Commission's decision. Elizabeth Rhea was born subsequent to the Commission's decision in 1896.

James Rhea married his wife, Eugenie Rhea, in accordance with the laws of the Choctaw Nation.

Eugenie Rhea testified that she was born and raised in the Indian Territory; that since her marriage, in the year 1899, she resided in Texas until August 1898, but that she always claimed the Indian Territory as her home, and "had property in the Nation."

January 10, 1903, T. B. Needles, Esq., Commissioner in charge of the work of the Commission to the Five Civilized Tribes, forwarded the testimony of James Rhea, taken November 21 1902, which had not been transcribed by the stenographer who reported the case on December 8, 1902, when the case was forwarded.

February 10, 1903, the Department forwarded to the office, for consideration in connection with the case, a brief and argument filed by the attorney for the applicants. The attorney for the applicants discusses the case fully and argues that the applicants are entitled to enrollment as citizens of the Choctaw Nation, - James Rhea as a citizen by intermarriage, and the others as citizens by blood. The Choctaw Constitution does not contain an expatriation clause, neither do the laws of the Nation, and in view of the Department's holding of March 17, 1903, (ITD. 1370), in the Clement G. Clarke case, and the opinion of the Assistant Attorney General of March 16, 1903, (ITD. 1169) in the Yeargain case, the office does not consider it necessary to set forth herein any of the statements

contained in the brief of the attorney for the applicants or to further state the testimony and record in the case. The wife of the principal applicant was born and raised in the Indian Territory, and she and her husband were married within the limits of the Indian Territory, in accordance with the laws of the Nation and had, prior to June 28, 1898, made settlement in the Indian Territory, although they did not reside within its limits on June 28, 1898.

Considering the opinion of the Assistant Attorney General in the Yeargain case, and the Department's holding in the Clarke case, the office is of the opinion that James Rhea is entitled to enrollment as an intermarried citizen of the Choctaw Nation, and that Eugenie, Willie and Elizabeth are entitled to enrollment as citizens by blood of the Choctaw Nation.

It therefore respectfully recommends that the decision of the Commission, adverse to these applicants, be not approved, and that the Commission be directed to enroll them as citizens of the Choctaw Nation- James Rhea as an intermarried citizen, and the other applicants as citizens by blood.

Very respectfully,

Acting Commissioner.

GAV-O.

7-5574

Winkegee, Indian Territory, June 3, 1903.

Commissioner in Charge,
Choctaw Land Office,
Atoka, Indian Territory.

Dear Sir:

Enclosed you will find a copy of original Choctaw enrollment card No. 5574. You are requested to enter the names, information and notations thereon upon duplicate Choctaw enrollment card, No. 5574. *in your possession*

Respectfully,

Commissioner in Charge.

W. L. O.
Enc. 17-48

7-5674

Muskogee, Indian Territory, June 3, 1903.

Commissioner in Charge,
Chickasaw Land Office,
Tishomingo, Indian Territory.

Dear Sir:

Enclosed you will find a copy or original Choctaw enrollment card No. 5674. You are requested to enter the names, information and notations thereon upon duplicate Choctaw enrollment card, No. 5674. *in your possession*

Respectfully,

Commissioner in Charge.

Chick. L.O.
Enc. MT. 48

7-3674

Muskogee, Indian Territory, October 9, 1903.

J. G. Halls,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 4th instant, requesting to be advised whether the names of Dr. James Rhea, wife and two children have been placed upon the list submitted to the Secretary of the Interior for approval.

You are informed it appears from our records that under Departmental instructions of May 21, 1903, Eugenie Rhea and her minor children, Willie and Elizabeth Rhea, have been enrolled by this Commission as citizens by blood of the Choctaw Nation and their names placed upon a schedule of the citizens by blood of said Nation, which has been forwarded to the Secretary of the Interior for approval.

You are further advised that the name of James Rhea has not yet been placed upon a schedule of intermarried citizens of the Choctaw Nation to be transmitted to the Secretary of the Interior for approval.

Respectfully,

Chairman.

Chootaw 5674

Muskogee, Indian Territory, October 15, 1903.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the twelfth instant in which you desire to be informed why the name of James Rhea has not been submitted to the Secretary of the Interior for approval.

Replying to your inquiry you are advised that the Commission from time to time prepares, for submission to the Secretary of the Interior, schedules containing the names of such persons as have been found by the Commission or the Secretary of the Interior as entitled to enrollment as citizens of the Chootaw and Chickasaw Nations. The names of Eugenia, Willie and Elisabeth Rhea have heretofore been included upon a schedule constituting a part of the final roll of the citizens of the Chootaw nation, which has been submitted to the Secretary of the Interior and is now awaiting departmental action thereon.

The name of James Rhea has not been included upon any schedule of intermarried citizens of the Chootaw Nation for the reason

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on that none such have been submitted for some time. You are advised
however that Mr. Rhea's name will be included upon the next schedule
thus to be submitted to the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Form No. 260.

THE WESTERN UNION TELEGRAPH COMPANY.

21,000 OFFICES IN AMERICA. ^{INCORPORATED} CABLE SERVICE TO ALL THE WORLD.

ROBERT C. CLOWRY, President and General Manager.

Receiver's No.

Time Filed

Check

Government Paid.

SEND the following message subject to the terms
on back hereof, which are hereby agreed to.

Muskogee, Indian Territory, November 3, 1903.

Commissioner in Charge,
Catoobasaw Land Office,
Tishomingo, Indian Territory,

Withhold the issuance of citizenship certificates or making of any
allotments to Eugene, Willie and Elizabeth Rhoe, Choctaw roll by
blood numbers fifteen thousand thirty-one to fifteen thousand
thirty-three inclusive. Letter in full will follow.

Hixby,

O.B.C.R.

Chairman.

READ THE NOTICE AND AGREEMENT ON BACK.

Form No. 260.

THE WESTERN UNION TELEGRAPH COMPANY.

21,000 OFFICES IN AMERICA. ^{INCORPORATED} CABLE SERVICE TO ALL THE WORLD.

THOS. T. ECKERT, President and General Manager.

Receiver's No.

Time Filed

Check

Government Paid.

SEND the following message subject to the terms
on back hereof, which are hereby agreed to.

Muskogee, Indian Territory, November 3, 1903.

Commissioner in Charge,
Choctaw Land Office,
Atoka, Indian Territory,

Withhold the issuance of citizenship certificates or making of any
allotments to Eugene, Willie and Elizabeth Rhoe, Choctaw roll by
blood numbers fifteen thousand thirty-one to fifteen thousand
thirty-three inclusive. Letter in full will follow.

Hixby,

O.B.C.R.

Chairman.

READ THE NOTICE AND AGREEMENT ON BACK.

Maskogee, Indian Territory, November 3, 1903.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory,

Dear Sir:

This office is today in receipt of a letter from the Secretary of the Interior under date of October 24, 1903, advising that a motion for review in the matter of the application of James Rhea for the enrollment of himself, his wife and two children as citizens of the Choctaw Nation has been filed, and requesting that no further action in regard thereto be taken until further instructed.

In accordance with such departmental advice and request I have this day wired your office as follows:

"Withhold the issuance of citizenship certificates or making of any allotments to Eugenie, Willie and Elizabeth Rhea, Choctaw roll by blood numbers 15031 to 15033 inclusive. Letter in full will follow."

For your information there is now inclosed you herewith a copy of departmental communication of October 26, 1903, and copy of my reply thereto.

Confirming my telegram of this date, you are requested to withhold the issuance of any citizenship certificate or the making of any allotment to Eugenie, Willie and Elizabeth Rhea, whose names

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appear upon the approved roll of citizens by list of the Oregon
Nation respective numbers 18021, 18022 and 18023, inclusive, until
otherwise advised.

Respectfully,

Chairman.

AN 4-3

Chectaw 5674

Muskogee, Indian Territory, November 3, 1903.

Commissioner in Charge,

Chectaw Land Office,

Atoka, Indian Territory,

Dear Sir:

This office is today in receipt of a letter from the Secretary of the Interior under date of October 26, 1903, advising that a motion for review in the matter of the application of James Rhea for the enrollment of himself, his wife and two children as citizens of the Chectaw Nation has been filed, and requesting that no further action in regard thereto be taken until further instructed.

In accordance with such departmental advice and request I have this day wired your office as follows:

"Withhold the issuance of citizenship certificates or making of any allotments to Eugenie, Willie and Elisabeth Rhea, Chectaw roll by blood numbers 15031 to 15033 inclusive. Letter in full will follow."

For your information there is now inclosed you herewith a copy of departmental communication of October 26, 1903, and copy of my reply thereto.

Confirming my telegram of this date, you are requested to withhold the issuance of any citizenship certificate or the making of any allotment to Eugenie, Willie and Elisabeth Rhea, whose names

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appear upon the approved roll of citizens by blood of the Chectaw
Nation opposite numbers 18031, 18032 and 18033, until otherwise
advised.

Respectfully,

Chairman.

AM 2-3

Chootaw 5674

Muskogee, Indian Territory, February 24, 1904.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of February 19, stating that you are advised by the Assistant Attorney General that on February 5, 1904 an order was made overruling the application of the attorneys for the Chootaw Nation for review in the case of Eugenie Rhea and her two minor children and her husband, and that the Commission had been instructed to remove them from the stigma placed upon them by a former order. You therefore request that the land office at Atoka be instructed to receive applications for allotment from Eugenie Rhea and her two minor children if instructions have not already been forwarded to this effect.

In reply to your letter you are informed that the Commission has not been notified of any Departmental action in the case of Eugenie Rhea and her minor children, and until the former order instructing the withholding of the issuance of citizenship certificates and the making of allotments to these persons is rescinded by the

J. G. R. 2

Department, the Commission can take no further action relative to allotments of land of the Choctaw and Chickasaw Nations in their behalf.

Respectfully,

Commissioner in Charge.

7-5674

Muskogee, Indian Territory, February 29, 1904.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby requested to place the following notations upon the duplicate Choctaw enrollment card, number 5674, in your possession.

"Nos. 1, 2, 3 and 4 refused enrollment by Commission Dec. 6, 1903, on grounds of nonresidence."

"Feb. 23, 1904, the Secty. of Interior denied motion of Attorneys for Choctaw and Chickasaw Nations for a re-adjudication and directed that Departmental decision of May 21, 1903, be adhered to and applicants be enrolled and allotted."

and insert the words "Choctaw Nation" after the word Residence.

Respectfully,

Commissioner in Charge.

7-5674

Muskogee, Indian Territory, February 29, 1904.

Commissioner in Charge,

Chestaw Land Office,

Atoka, Indian Territory.

Dear Sir:

You are hereby requested to place the following notations upon the duplicate Chestaw enrollment card, number 5674, in your possession.

"Nos. 1, 2, 3 and 4 refused enrollment by Commission Dec. 8, 1902, on grounds of nonresidence."

"Feb. 23, 1904, the Secty. of Interior denied motion of attorneys for Chestaw and Chickasaw Nations for a re-adjudication and directed that Departmental decision of May 21, 1903, be adhered to and applicants be enrolled and allotted."

and insert the words "Chestaw Nation" after the word Residence.

Respectfully,

Commissioner in Charge.

Chootaw 5674

Muskogee, Indian Territory, February 27, 1904.

Commissioner in charge,

Chootaw Land Office,

Atoka, Indian Territory,

Dear Sir:

On November 3, 1903, your office was advised of the receipt by the Commission of a letter from the Secretary of the Interior under date of October 26, 1903, advising that a motion for a review in the matter of the application of James Rhea for the enrollment of himself, his wife and his two minor children as citizens of the Chootaw Nation had been filed with the Department and directing that no further action in the matter of enrollment and allotment to these persons be taken until further instructed.

Your office was on the same date instructed by telegram as follows:

"Withhold the issuance of citizenship certificates or making of any allotments to Eugenie, Willie and Elizabeth Rhea, Chootaw roll by blood numbers 15031 to 15033 inclusive. Letter in full will follow."

You are now advised that the Commission is this day in receipt of a letter from the Secretary of the Interior under date of February 13, 1904, in which they advise that the motion of the attorneys for the Chootaw and Chickasaw nations for a readjudication

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Choctaw L O 2

of the case of James Rhea for the enrollment of himself, his wife, Eugenie Rhea, and his two minor children, Willie and Elizabeth Rhea has been denied and inclose copy of the opinion of the Assistant Attorney General for the Department of the Interior under date of February 5, 1904, wherein he affirms the decision of the Secretary of the Interior of May 21, 1903, directing the enrollment of the applicants.

You are accordingly advised that the instructions contained in telegram and general office letter of November 3, 1903, are hereby rescinded and you are authorized to permit selections of allotment to be made for Eugenie, Willie and Elizabeth Rhea, Choctaw roll by blood, Numbers 15031, 15032 and 15033, respectively.

Respectfully,

Commissioner in charge.

Choctaw 5674

Muskogee, Indian Territory, February 27, 1904.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory,

Dear Sir:

On November 3, 1903, your office was advised of the receipt by the Commission of a letter from the Secretary of the Interior under date of October 26, 1903, advising that a motion for a review in the matter of the application of James Rhea for the enrollment of himself, his wife and his two minor children as citizens of the Choctaw Nation had been filed with the Department and directing that no further action in the matter of enrollment and allotment to these persons be taken until further instructed.

Your office was on the same date instructed by telegram as follows:

"Withhold the issuance of citizenship certificates or making of any allotments to Eugene, Willie and Elizabeth Rhea, Choctaw roll by blood numbers 18031 to 18033 inclusive. Letter in full will follow."

You are now advised that the Commission is this day in receipt of a letter from the Secretary of the Interior under date of February 13, 1904, in which they advise that the motion of the attorneys for the Choctaw and Chickasaw Nations for a readjustment

Chickasaw I O 2

of the case of James Rhea for the enrollment of himself, his wife, Eugenie Rhea, and his two minor children, Willie and Elizabeth Rhea, has been denied and inclose copy of the opinion of the Assistant Attorney General for the Department of the Interior under date of February 5, 1904, wherein he affirms the decision of the secretary of the Interior of May 21, 1903, directing the enrollment of the applicants.

You are accordingly advised that the instructions contained in telegram and general office letter of November 3, 1903, are hereby rescinded and you are authorized to permit selections of allotment to be made for Eugenie, Willie and Elizabeth Rhea, Choctaw roll by blood, Numbers 15031, 15032 and 15033, respectively.

Respectfully,

Commissioner in Charge.

Choctaw-5674.

Muskogee, Indian Territory, July 1, 1904.

J. G. Ralls,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 25th, asking that the name of James Rhea, husband of Eugenia Rhea, be enrolled in order that he may file on his allotment.

In reply to your letter, you are informed that the name of James Rhea has not yet been placed upon the schedules of intermarried citizens of the Choctaw Nation prepared for forwarding to the Secretary of the Interior. It is probable, however, that it will be placed upon the next schedule of intermarried citizens of the Choctaw Nation so prepared and forwarded to the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

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Muskogee, Indian Territory, June 21, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

On September 25, 1903, the Commission to the Five Civilized Tribes had the honor to transmit, for Departmental consideration, a schedule constituting a part of the final roll of the citizens by blood of the Choctaw Nation, Numbers 14919 to 15033, inclusive, copies of which were returned, approved by the Secretary of the Interior October 15, 1903.

I now have the honor to advise that the sex of the citizen who appears opposite Number 15032 upon said schedule as Willie Khea is erroneous and should be corrected.

At the Choctaw Land Office of the Commission, Atoka, Indian Territory, on May 26, 1904, James Khea, the father of this citizen, appeared, and from his testimony at that time it developed that this citizen is a female.

For the information of the Department a copy of the testimony of James Khea of May 26, 1904, is herewith inclosed.

I have the honor to recommend, in view of this fact, that the sex of the citizen who appears upon the approved roll of the

citizens by blood of the Cherokee Nation opposite Number 18412 on
which shall be changed from "White" to "Black" upon the schedule
in the possession of the Secretary of the Interior and the Commis-
sioner of Indian Affairs, and that the Commission be instructed to
make corresponding changes upon the schedule of citizens by blood
in its possession.

Respectfully,

Chairman,

Through the Commissioner
of Indian Affairs,

Cherokee 5874.

Muskogee, Indian Territory, June 21, 1904.

Commissioner in Charge,
Choctaw Land Office,
Atoka, Indian Territory,

Dear Sir:

For the information of your office there is inclosed you herewith letter this day addressed to the Secretary of the Interior recommending the change of sex of the citizen who appears upon the approved roll of citizens by blood of the Choctaw Nation opposite Number 18032.

As soon as the Commission is advised of Departmental action in this matter you will be duly notified.

Respectfully,

Chairman.

AB 6-21

1904.

Muskogee, Indian Territory, June 21, 1904.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory,

Dear Sir:

For the information of your office there is inclosed you herewith copy of letter this day addressed to the Secretary of the Interior recommending the change of sex of the citizen who appears opposite Number 15032 upon the approved roll of citizens by blood of the Choctaw Nation as Willie Rhea.

As soon as the Commission is advised of Departmental action in this matter your office will be notified.

Respectfully,

Chairman.

AB 7-21

(copy)

DEPARTMENT OF THE INTERIOR

CMR

25419-1904.

WASHINGTON.

I.T.D. 5360-1904.

July 2, 1904.

I.R.S.

The Commission

to the Five Civilized Tribes.

Gentlemen:

In letter of June 21, 1904, the Chairman of your Commission reports that the sex of the citizen whose name appears opposite No. 14417 on approved partial roll of citizens by blood of the Choctaw Nation as Marion L. Caldwell is erroneous and should be corrected, the testimony of the mother of the applicant taken on May 17, 1904, copy of which was transmitted, showing that Marion L. Caldwell is a boy.

Authority is therefore requested to change the schedule so that the sex of said Marion L. Caldwell will be shown as "Male" instead of "Female."

The authority requested is hereby granted. The Department has corrected its copy of the schedule accordingly, and the Commissioner of Indian Affairs authorized to make a similar change on the copy of the schedule on file in the Indian Office.

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Inclosed is copy of communication of the Acting Commissioner
of Indian Affairs, recommending that the correction be made.

Respectfully,

E. A. Hitchcock.

Secretary.

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DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

WASHINGTON June 29, 1904.

Land.
41720-1904.

The Honorable,
Secretary of the Interior.

Sir:-

There is enclosed herewith report dated June 21, 1904, from the Commission to the Five Civilized Tribes transmitting the testimony of Maria Caldwell, taken May 17, 1904, from which it appears that the word in the "Sex" column opposite the name of Marion L. Caldwell, No. 14617, Choctaw Approved Partial Roll, should be changed from "Female" to "Male."

It is recommended that the proper correction be made on the partial roll on file with the Department and that this office and the Commission to the Five Civilized Tribes be authorized to properly correct their respective partial rolls.

Very Respectfully,

A. G. Tanner,

Acting Commissioner.

645-2

(copy)

Muskogee, Indian Territory, July 13, 1904.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory.

Dear Sir:

For the information of your office, there is enclosed herewith copy of Departmental communication of July 2, 1904, (I.T.D. 5344-1904), authorizing the change of sex of Willie Rhea, whose name appears upon the approved roll of citizens by blood of the Choctaw Nation opposite number 15038, from "male" to "female".

Your office is therefore authorized to make the necessary changes upon the schedules of citizens by blood of the Choctaw Nation in your possession.

Respectfully,

EA 10-13.

Chairman.

204.
Muskogee, Indian Territory, July 13, 1904.

Commissioner in Charge,
Choctaw Land Office,
Atoka, Indian Territory.

Dear Sir:

For the information of your office, there is enclosed herewith copy of Departmental communication of July 2, 1904, (I.T.D. 5344-1904), authorizing the change of sex of Willie Rhea, whose name appears upon the approved roll of citizens by blood of the Choctaw Nation opposite number 15032, from "male" to "female".

Your office is therefore authorized to make the necessary changes upon the schedules of citizens by blood of the Choctaw Nation in your possession.

Respectfully,

EA 9-13.

Chairman.

7-5674

Muskogee, Indian Territory, July 14, 1904.

Commissioner in Charge,
Chickasaw Land Office,
Tishomingo, Indian Territory.

Dear Sir:

Referring to original Choctaw enrollment card, No. 5674,
James Khea, et al., and the duplicate thereof in your possession,
you are informed that the relationship of No. 3 has been changed
from "Son" to "Daughter", and the sex from "M" to "F", and the following
notation placed on said card:

"No. 3 is a girl; change made under depart-
mental instructions of July 2, 1904, (D.C.
2548-1904)."

Respectfully,

Chairman.

7-5674

Muskogee, Indian Territory, July 14, 1904.

Commissioner in Charge,

Chectaw Land Office,

Atoka, Indian Territory.

Dear Sir:

Referring to original Chectaw enrollment card, No. 5674, James Rhea, et al., and the duplicate thereof in your possession, you are informed that the relationship of No. 3 has been changed from "Son" to "Dau", and the sex from "M" to "F", and the following notation placed on said card:

"No. 3 is a girl; change made under departmental instructions of July 2, 1904, (D.C. 23418-1904.)"

Respectfully,

Chairman

COPY.

Chocoma, D-74.

Muskogee, Indian Territory, December 8, 1902.

James Rhea,

South McAlester, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application made by you for the enrollment of yourself, your wife, Eugenie Rhea, and your two minor children, Willie Rhea and Elizabeth Rhea, as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

James Birby.

Acting Chairman.

Registered.

Dec. 11, 1902

COPY.

Choctaw D. 74

Muskogee, Indian Territory, December 8, 1908.

A. Telle,

Attorney-at-law,

Atoka, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application made by James Rhea for the enrollment of himself, his wife, Eugenie Rhea, and his two minor children, Willie Rhea and Elizabeth Rhea, as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Signed, *Tamm Bixby.*

Registered.

Acting Chairman.

Enc. 123. 241

COPY.

Choctaw D. 74

McKegee, Indian Territory, December 8, 1902.

J.G. Ralls,
Attorney-at-Law,
Atoka, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application made by James Rhea for the enrollment of himself, his wife, Eugenie Rhea, and his two minor children, Willie Rhea and Elizabeth Rhea as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED, *James Bixby.*

Acting Chairman.

Registered.

Enc. DMS. 242

COPY

Choctaw D. 74

Muskogee, Indian Territory, December 8, 1903.

C.L. Herbert,
Attorney-at-law,
Ardmore, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application made by James Rhea for the enrollment of himself, his wife, Eugenie Rhea, and his two minor children, Willie Rhea and Elizabeth Rhea as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Respectfully,
Tamie B. B. B.

Registered.

Acting Secretary

Enc. 125. 242

COPY.

Choctaw, D-74.

Muskogee, Indian Territory, December 8, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application made by James Rhea for the enrollment of himself, his wife, Eugenie Rhea, and his two minor children, Willie Rhea and Elizabeth Rhea, as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tame Bixby.

Acting Chairman.

Enc. H. O. 22

COPY.

Muskogee, Indian Territory, December 8, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by James Rhea, for the enrollment of himself, his wife, Eugenie Rhea, and his two minor children, Willie Rhea and Elisabeth Rhea, as citizens of the Choctaw Nation, including the decision of the Commission dated December 8, 1902, denying said application.

Respectfully,

James Birdy.

Acting Chairman.

Choctaw, D-74

Through the
Commissioner of Indian Affairs.

D.C. 15856

I.T.D.

3836-1903. F.L.C.

COPY

JHW. J.R.W. WCR.

SVP

May 21, 1903.

The Commission to the
Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

I have considered the proceedings of your Commission upon the application of James Rhea for enrollment of himself his wife, Eugenia Rhea, and their two minor children, Willie and Elisabeth as citizens of the Choctaw Nation. Your Commission found:

It appears from the evidence submitted and the records of the Commission that on December 3, 1896 in the cause entitled "James Rhea, et al., vs. Choctaw Nation" (1896 Choctaw Citizenship Docket No. 690), the applicant James Rhea, as a citizen by inter-marriage and the applicants, Eugenie and Willie Rhea as citizens by blood, were by the Commission admitted to citizenship in the Choctaw Nation under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321) and that no appeal was taken from this decision of the Commission.

The applicants, James, Eugenie and Willie Rhea are identified as respectively, Nos. 15004, 10953, and 10954 on the 1896 Choctaw census roll.

It further appears from the evidence herein that none of these applicants was on June 25, 1898 resident in good faith of Indian Territory.

The evidence further shows that Eugenia Rhea was born of Choctaw citizens, and always lived in the Indian country to April, 1889, when she was married, in due form of the Indian laws, to James Rhea, a white man. After her marriage she resided in Texas with her husband until some time in August 1898, when they returned to the Territory and have since lived there-- first at South McAllister and later at Durant. Their testimony is that they never intended permanently to abandon the territory and always regarded it as their home. The residence in Texas was for her husband more

profitably to practice his profession. She and her son were enrolled December 3, 1896, by the Commission to the Five Civilized Tribes under the act of June 10, 1896 (29 Stat., 321, 339) as citizens by blood, and her husband was so enrolled as a citizen by intermarriage. He was also so enrolled by the citizens' committee August 22, 1898. The child Elizabeth was born November 2, 1899. Eugenia Rhea testified that she has maintained a farm and has kept property at Stonewall, and that she has lived part of every year, nearly every summer, in the territory, being there generally twice a year. The Choctaw Nation appears to have made no objection to the applications.

Upon these facts your Commission decided that:

It is, therefore, the opinion of this commission that James Rhea is not duly and lawfully entitled to be enrolled as a citizen by intermarriage of the Choctaw Nation, and Eugenia Rhea, Willie Rhea and Elizabeth are not duly and lawfully entitled to be enrolled as citizens by blood of the Choctaw Nation, and that the application for the enrollment of James Rhea as a citizen by intermarriage and of Eugenia Rhea, Willie Rhea and Elizabeth Rhea as citizens by blood of the Choctaw Nation, should be refused, under the provisions of section 21 of the act of Congress approved June 20, 1896 (30 Stat., 495) and it is so ordered.

For the reasons stated at length in the case of Joseph D. Virginia (Choctaw), March 12, 1903, in view of the Department the rejection of the applications was not justified by the facts and law thereto applicable, and the decision of your Commission is disapproved. Your Commission will allow the application and enroll the applicants.

Very respectfully,

W. H. HAN.

Acting Secretary.

Lead.
73312-1902.
3139-1903.
9641-1903.

COPY.
Department of the Interior
Office of Indian Affairs,
Washington, April 14, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith report from the present Chairman of the Commission to the Five Civilized Tribes, dated December 8, 1902, forwarding for the Department's consideration, the record relative to the application of James Rhea, for the enrollment of himself, his wife, Eugenie Rhea, and his two minor children, Willie and Elizabeth Rhea, as citizens of the Choctaw nation. James Rhea applied for enrollment as an intermarried citizen, and for the enrollment of the other parties to the application, as citizens by blood of the Choctaw Nation.

December 8, 1902, the Commission held that the applicants were not residents in good faith on June 25, 1898, of the Indian Territory, and therefore they are not entitled to enrollment as citizens of the Choctaw Nation.

The record in the case shows that the names of James, Eugenie and Willie Rhea appear on the 1896 Choctaw census roll, opposite Nos. 18004, - 10963 and 10964, respectively. The record also shows that in 1896 James Rhea, Eugenie and Willie Rhea were admitted to citizenship in the Choctaw nation by the Commission to the Five Civilized Tribes, - James Rhea as a citizen by intermarriage and the other two as citizens by blood, and that no appeal was taken from

the Commission's decision. Elizabeth Rhea was born subsequent to the Commission's decision in 1896.

James Rhea married his wife, Eugenie Rhea, in accordance with the laws of the Choctaw nation.

Eugenie Rhea testified that she was born and raised in the Indian Territory; that since her marriage, in the year 1899, she resided in Texas until August 1898, but that she always claimed the Indian Territory as her home, and "had property in the Nation."

January 10, 1903, T. B. Needles, Esq., Commissioner in charge of the work of the Commission to the Five Civilized Tribes, forwarded the testimony of James Rhea, taken November 21 1902, which had not been transcribed by the stenographer who reported the case on December 8, 1902, when the case was forwarded.

February 10, 1903, the Department forwarded to the office, for consideration in connection with the case, a brief and argument filed by the attorney for the applicants. The attorney for the applicants discusses the case fully and argues that the applicants are entitled to enrollment as citizens of the Choctaw Nation, - James Rhea as a citizen by intermarriage, and the others as citizens by blood. The Choctaw Constitution does not contain an expatriation clause, neither do the laws of the Nation, and in view of the Department's holding of March 17, 1903, (ITD. 1370), in the Clement S. Glavin case, and the opinion of the Assistant Attorney General of March 18, 1903, (ITD. 1169) in the Yeargain case, the office does not consider it necessary to set forth herein any of the statements

contained in the brief of the attorney for the applicants or to further state the testimony and record in the case. The wife of the principal applicant was born and raised in the Indian Territory, and she and her husband were married within the limits of the Indian Territory, in accordance with the laws of the Nation and 344, prior to June 28, 1898, made settlement in the Indian Territory, although they did not reside within its limits on June 28, 1898.

Considering the opinion of the Assistant Attorney General in the Yeargain case, and the Department's holding in the Clarke case, the office is of the opinion that James Rhea is entitled to enrollment as an intermarried citizen of the Choctaw Nation, and that Eugenie, Willie and Elizabeth are entitled to enrollment as citizens by blood of the Choctaw Nation.

It therefore respectfully recommends that the decision of the Commission, adverse to these applicants, be not approved, and that the Commission be directed to enroll them as citizens of the Choctaw Nation- James Rhea as an intermarried citizen, and the other applicants as citizens by blood.

Very respectfully,

Acting Commissioner.

CAV-O.

Choctaw D-74

COPY.

Muskogee, Indian Territory, June 2, 1903.

James Rhea,

Sterrett, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior, under date of May 21, 1903, reversed the decision of this Commission, dated December 8, 1902, refusing the application made by you for the enrollment of yourself, your wife, Eugenie Rhea, and two minor children, Willie Rhea and Elizabeth Rhea, as citizens of the Choctaw Nation.

A copy of the decision of the Secretary, together with the report of the Indian Office thereon, is herewith transmitted.

Respectfully,

SIGNED,

I. B. Needles.

Commissioner in Charge.

Enc. W.F.W.2-6.

Chootaw D-74

COPY.

Muskogee, Indian Territory, June 2, 1903.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior, under date of May 21, 1903, reversed the decision of this Commission, dated December 8, 1902, refusing the application made by James Rhea for the enrollment of himself, his wife, Eugenie Rhea, and two minor children, Willie Rhea and Elizabeth Rhea, as citizens of the Chootaw Nation.

A copy of the decision of the Secretary, together with the report of the Indian Office thereon, is herewith transmitted.

Respectfully,

SIGNED,

T. B. Needles

Commissioner in Charge.

Enc. V.F.V.2-4.

Chectaw D-74

OPY.

Muskogee, Indian Territory, June 2, 1903.

C. L. Herbert,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior, under date of May 21, 1903, reversed the decision of this Commission, dated December 8, 1902, refusing the application made by James Rhea for the enrollment of himself, his wife, Eugenie Rhea, and two minor children, Willie Rhea and Elizabeth Rhea, as citizens of the Chectaw Nation.

A copy of the decision of the Secretary, together with the report of the Indian Office thereon, is herewith transmitted.

Respectfully,

SIGNED

T. B. Needles.

Commissioner in Charge.

Enc. W. J. W. 2-2.

08-00000

COPY.

Mustang, Indian Territory, June 2, 1903.

McDonald, Murray & Cornish.

Attorneys for Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Cont. Index:

You are hereby notified that the Secretary of the Interior, under date of May 21, 1908, reversed the decision of this Commission, dated November 9, 1902, refusing the application made by James Rhee for the enrollment of himself, his wife, Eugenie Rhee, and two minor children, Willie Rhee and Elizabeth Rhee, as citizens of the Choctaw Nation.

A copy of the decision of the Secretary, together with the report of the Indian Office thereon, is herewith transmitted.

Respectfully,

F. B. Neighbors
 Campbell County, Ky. 1890

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

I.T.D. 3836-1903
9125- "

October 26, 1903.

JP
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LRS

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

Referring to departmental letter of May 21, 1903,
in the matter of the application of James Rhea, for the enrollment
of himself, his wife, Eugenie Rhea, and their two children, Willie
and Elizabeth Rhea, as citizens of the Choctaw Nation, you are
advised that a motion for review in said matter has been filed, and
it is requested that you take no further action in regard thereto
until further instructed.

A report is desired as to whether the applicants have been
enrolled on the rolls being prepared by you.

Respectfully,

(Signed) Thos. Ryan
Acting Secretary.

Mustogee, Indian Territory, November 3, 1903.

The Honorable,

The Secretary of the Interior,

Sir:

Receipt is hereby acknowledged of Departmental communication of October 26, 1903, (I.T.D. 2834,9125 - 1903) referring to Departmental letter of May 21, 1903, in the matter of the application of James Rhea for the enrollment of himself, his wife, Eugenie Rhea, and their two minor children, Willie and Elizabeth Rhea, as citizens of the Cheateau Nation.

The Department, in its letter of October 26, 1903, advises that a motion for review in said case has been filed and it is requested that the Commission take no further action in regard thereto until further instructed, and that the Department be further advised whether the applicants have been enrolled on the final rolls as being prepared.

Reporting in this matter I have to advise that on December 8, 1902, the Commission rendered a decision refusing the application made by James Rhea for the enrollment of himself as a citizen by intermarriage and for the enrollment of his wife, Eugenie and his two minor children, Willie and Elizabeth Rhea, as citizens by blood of the Cheateau Nation. The record of proceedings in the matter of the

2

application for the enrollment of the above named persons, with the decision of the Commission of December 8, 1902, was, on the same date, transmitted to the Department.

On May 21, 1903, (I.T.D. 2824 - 1903), the Department disapproved the decision of the Commission of December 8, 1902, and instructed that the applicants be enrolled.

With our letter of September 25, 1903, there was transmitted a schedule constituting a part of the final roll of the citizens by blood of the Cheetaw Nation, Numbers 14919 to 15033 inclusive, which was approved by the Secretary of the Interior, October 15, 1903. The names of Eugenie, Willie and Elizabeth Rhea appear upon such schedule as approved by the Secretary of the Interior, opposite the numbers 15021, 15022 and 15033 respectively.

I have further to report that no allotment has up to this time been made to any of these persons and in accordance with Departmental communication of October 26, 1903, the Cheetaw and Chickasaw Land offices have this day been directed to withhold the issuance of any citizenship certificates or the making of any allotments to these persons until otherwise advised.

Respectfully,

Chairman.

Through the Commissioner
of Indian Affairs.

D.C. 5977.

(COPY)

I.T.D. 3236, 8098,
8190, 1903.
1078-1904.

DEPARTMENT OF THE INTERIOR

WCY
FHE

L.R.S.

WASHINGTON, February 13, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

On October 15, 1903, the attorneys for the Choctaw and Chickasaw Nations submitted a motion for review of the Choctaw enrollment case of James Rhea, et al.

The applicants in said case were rejected by your Commission on December 8, 1902. On May 21, 1903, the Department reversed your decision and directed that the applicants be enrolled.

The motion for review above referred to was submitted to the Assistant Attorney General on November 18, 1903. On February 5, 1904, he rendered an opinion in the matter, a copy of which is inclosed herewith, holding that the motion for review should be denied, and the decision of the Department in the case rendered May 21, 1903, should be adhered to. Said opinion was approved by the Department on February 5, 1904.

The motion for review is hereby denied, and you will notify the applicants and the attorneys for the Choctaw and Chickasaw Nations accordingly.

Respectfully,

(Signed) Thos. Ryan.
Acting Secretary.

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JRW

February 5, 1904.

The Secretary of the Interior.

Sir:

I am in receipt, by reference of the Acting Secretary of November 18, 1903, referring for my opinion the motion of counsel for the Choctaw and Chickasaw Nations for readjudication of the case of James Rhea for enrollment of himself and family, Eugenia Rhea, his wife, and Willie and Elizabeth Rhea, their minor children, as citizens of the Choctaw Nation.

James Rhea is a white man, resident of Denison, Texas, in April, 1889, when he married Eugenia Cochran, a Choctaw by blood, at Stonewall, in the nation, in conformity with Choctaw law. Eugenia Cochran was born of Choctaw parents and always lived in the Indian country until her marriage and was regularly borne on the tribal rolls. Thereafter she with her husband, a practicing physician, maintained a domicile at Dennison, Texas, until about August 8, 1898, when they returned to the Territory and have since that time lived there, first at South McAlester and later at Durant, and at the time the testimony was taken, April 2, 1902, were residing at Sterrett. Mrs. Rhea has ever since her marriage maintained a farm and kept property at Stonewall, in the nation, and has lived there part of every summer, being there generally twice a year. Their testimony is that they never intended permanently to abandon the Territory, but have always regarded it as their home, their residence in Texas being to enable Dr. Rhea more profitably to practice his profession.

(2)

None of the foregoing facts were in any wise denied by the nation or attempted to be controverted by any evidence offered in its behalf to oppose the application.

December 3, 1896, the Commission to the Five Civilized Tribes admitted Eugenia and Willie Rhea to citizenship, as citizens by blood, and James Rhea, as a citizen by intermarriage, and their names so appear on the 1896 Choctaw census roll. It was further shown that Elizabeth Rhea is the child of Eugenia and James, born to them November 2, 1899.

December 8, 1902, the Commission to the Five Civilized Tribes, after finding the antecedent facts, which would entitle the applicant to enrollment, further found that --

It further appears from the evidence herein that none of these applicants was on June 28, 1898, residents in good faith of Indian Territory.

It is therefore the opinion of this Commission that James Rhea is not duly and lawfully entitled to be enrolled as a citizen by intermarriage of the Choctaw Nation, and that Eugenia Rhea, Willie Rhea and Elizabeth Rhea are not duly and lawfully entitled to be enrolled as citizens by blood of the Choctaw Nation, and that the application for the enrollment of James Rhea as a citizen by intermarriage, and of Eugenia Rhea, Willie Rhea and Elizabeth Rhea, as citizens by blood of the Choctaw Nation, should be refused, under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

May 21, 1903, the Department disapproved the decision of the Commission and directed that the applicants be enrolled. June 12, 1903, counsel of the Choctaw and Chickasaw Nations moved for a review of that decision, which was entertained, and the matter, with accompanying papers, is referred for my opinion thereon.

It is clear from the judgment of the Commission that its

(3)

action was based entirely on the provision of the act of June 28, 1898 (30 Stat., 495, 503), that --

No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship: Provided, however, that nothing contained in this act shall be so construed as to militate against any rights or privileges which the Mississippi Choctaws may have under the laws of or the treaties with the United States.

The construction given to this provision by the Commission was evidently that Congress thereby inhibited them from enrolling one otherwise eligible to be enrolled, born to the privileges of citizenship in the nation and always identified in interest and blood with the Indian people, if by any chance such person on June 28, 1898, when the act took effect, was actually resident outside the national territory. I am clearly of opinion that Congress did not intend to denationalize ^{and} expatriate members of the Indian nations whose enterprise and business interests led them to take up residence outside the Nation, though such residence elsewhere was without any present intention to return to their brethren at a definite fixed time. It is against the genius of free institutions that one born to an allegiance, with rights and privileges of membership in a political society or community, should be excluded from such right except by his own volition exercised pursuant to some law. There must be a concurrence of the will of the person and a law under which it is exercised. This is the clear effect of the opinion of Story, J., in *The Santissima Trinidad* (7 Wheat., 233, 236), and it was held by the Attorney-General (14 Op. Atty.Gen., 296) --

that the affirmation, by Congress, that the right of expatriation is "a natural and inherent right of all people," includes citizens of the United States as well as others

Residence in a foreign country and an intent not to return, are essential elements of expatriation; but to show complete expatriation as the law now stands, it is necessary to show something more than these. Attorney General Black says (9 Opin., 359) that expatriation includes not only emigration out of one's native country, but naturalization in the country adopted as a future residence.

My opinion, however, is that, in addition to a domicile and intent to remain, such expressions or acts as amount to a renunciation of United States citizenship and a willingness to submit to or adopt the obligations of the country in which the person resides, such as accepting public employment, engaging in military services, etc., may be treated by this government as expatriation, without actual naturalization.

In the present case it is not attempted to be shown by the nation that there was any law making such absence as occurred in Rhea's case presumptive evidence of expatriation, nor is it attempted to rebut the testimony of Rhea and his wife that they intended to return, or of any facts or circumstances from which they could be inferred. It cannot be supposed that Congress intended arbitrarily to cut off their rights of citizenship without grace, or notice, or a time fixed within which they might return and save their rights in the nation.

A sufficient purpose for this provision, however, appears when read in the light of the history of the Indian nations. Both the Choctaw and Cherokee tribes had been divided at the time the present nations migrated from their former seats in the east. Those who remained in the east were claiming ^{rights} in the property and civil society to the upbuilding of which neither they nor their ancestors had contributed. In the Cherokee case the Supreme Court, at suit of the Eastern Band of Cherokees v. United States (117 U.S., 288, 311),

said of the Eastern Band that -

They cannot live out of its territory, evade the obligations and burdens of citizenship, and at the same time enjoy the benefits of the funds and common property of the nation.

Similar facts existed as to the Choctaws, except that no suit was ever instituted by them. A large number of those claiming to be Choctaws remained East of the Mississippi who had never removed to the new seats of the Nation, though invited both by Congress and by their western brethren.

In my opinion it is clear that the provision in question was aimed at these possible claimants rather than against rightful members of the Indian Nations who themselves, or their ancestors, had removed to the new homes in the west and aided in the social development of their nation. To give it that construction harmonizes it with the events of history with the law of exatriation recognized by Congress, and with the natural right of one born in a political society to succeed to the rights of their ancestors.

Mrs. Rhee has never severed herself from her nation. She has a farm and property there, contributing like other citizens to the common burdens. But if that were not so, she is not excluded from her tribal rights by the very letter of the act. The letter excludes only one, "who has not heretofore removed to and in good faith settled in the nation." She was born there, which certainly is the legal equivalent of removal to the national territory, and her living there to her maturity and marriage was certainly within the meaning of the words "in good faith settled" in the nation. Literally interpreted the act does not exclude her. Had Congress

(6)

intended to exclude those who, once members of the tribe and resident of the nation, had removed and settled elsewhere, more apt words to convey that meaning readily suggest themselves, as, for instance, if Congress had said, No person shall be enrolled who is now settled, or, is now resident elsewhere than in the nation in which he claims citizenship. Congress did not so enact evidently a forced construction should not be given to the act, so as, without notice or opportunity to preserve them, to forfeit rights, when the act, literally applied, does not so enact.

It has not been the policy of Congress to punish tribal Indians by forfeiture of tribal rights for adopting the habits of civilized life or to punish Indian women for marriage with white men. The act of February 8, 1887 (24 Stats., 388), expressly saved tribal rights of Indians who adopt the habits of civilized life, separate from their tribe and take an allotment of land. The act of August 9, 1888 (25 Stats., 392), while conferring American citizenship upon a tribal Indian woman who marries a white man, at the same time provides that nothing in the act shall impair or in any way affect her right or interest in tribal property. When the Department held that children of such marriages were not Indians (*Black Tomahawk v. Waldron*, 13 L.D. 638; *same*, 17 L.D., 457; *same*, 19 L.D. 311), Congress by the act of June 7, 1897 (30 Stats., 30,90), preserved the rights of the children of such marriages. While the act of August 9, 1888 supra, did not apply to intermarriages of white men with Indian women of the five civilized tribes, the reason for the exception is apparent. By the law of these tribes the woman did

(7)

not lose her tribal relation and a white man contracting such marriage became a member of the tribe by intermarriage. These acts are all entitled to be considered as showing that it was not the policy of Congress to forfeit the rights of an Indian woman, or of her children, because of her intermarriage with a white man. It is clear therefore that no established policy requires strained construction to be given to the provision in question, so as to work a forfeiture which is not worked by the words of the act.

I am therefore of opinion that the motion for review should be denied, and the decision of May 21, 1903, in the case of Dr. Rhea and family, should be adhered to.

Very respectfully,

Frank L. Campbell,

Assistant Attorney General.

Approved February 5, 1904,

E. A. Hitchcock,

Secretary.

Chootaw 5674

Muskogee, Indian Territory, February 27, 1904.

James Rhea,
Sterrett, Indian Territory,

Dear Sir:

You are hereby advised that the Commission is this day in receipt of a letter from the Secretary of the Interior under date of February 13, 1904, with which is inclosed an opinion of the Assistant Attorney General of February 5, 1904, upon the motion of the attorneys for the Chootaw and Chickasaw Nations for readjudication of the case of James Rhea for the enrollment of himself and family as citizens of the Chootaw Nation. The Secretary of the Interior advises the Commission that the motion for review has been denied and directed that the applicants and the attorneys for the Chootaw and Chickasaw Nations be notified.

In accordance with said Departmental direction you are hereby notified that the Chootaw and Chickasaw Land Offices of the Commission have this day been informed of the action of the Department and instructed to permit allotments to be selected for your wife, Eugenie Rhea and your children Willie and Elisabeth Rhea as citizens by blood of the Chootaw Nation.

The matter of your enrollment as a citizen by intermarriage

J R R

of the Choctaw Nation will receive further consideration.

Respectfully,

Commissioner in Charge

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Choctaw 5674

Muskogee, Indian Territory, February 27, 1904.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

There is inclosed you herewith copy of Departmental letter of February 13, 1904, denying your motion for a readjudication of the case of James Rhea for the enrollment of himself, his wife, Eugenie Rhea and his minor children Willie and Elizabeth Rhea, as citizens of the Choctaw Nation; also a copy of the opinion of the Assistant Attorney General for the Department of the Interior of February 5, 1904, on your motion.

In accordance with Departmental instructions the Choctaw and Chickasaw Land Offices have this day been directed to permit selections of allotment for Eugenie, Willie and Elizabeth Rhea.

Respectfully,

Commissioner in Charge

AM 5-27

Chootaw 5674

Muskogee, Indian Territory, February 27, 1904.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

You are hereby advised that on February 13, 1904, the Secretary of the Interior denied the motion of the attorneys for the Chootaw and Chickasaw Nations for a readjudication of the case of James Rhea for the enrollment of himself, his wife, Eugenie Rhea, and his two minor children, Willie and Elizabeth Rhea as citizens of the Chootaw Nation.

The Chootaw and Chickasaw Land Offices of the Commission have this day been directed to permit selections of allotment by Eugenie Rhea and Willie and Elizabeth Rhea.

The matter of the enrollment of James Rhea as a citizen by intermarriage of the Chootaw Nation will receive further consideration by the Commission.

Respectfully,

Commissioner in charge.

Chootaw 5674

Muskogee, Indian Territory, February 27, 1904.

C. L. Herbert,

Attorney at Law,

Ardmore, Indian Territory,

Dear Sir:

You are hereby advised that on February 13, 1904, the Secretary of the Interior denied the motion of the attorneys for the Chootaw and Chickasaw Nations for a readjudication of the case of James Rhea for the enrollment of himself, his wife, Eugenie Rhea, and his two minor children, Willie and Elizabeth Rhea as citizens of the Chootaw Nation.

The Chootaw and Chickasaw Land Offices of the Commission have this day been directed to permit selections of allotment by Eugenie Rhea and Willie and Elizabeth Rhea.

The matter of the enrollment of James Rhea as a citizen by intermarriage of the Chootaw nation will receive further consideration by the Commission.

Respectfully,

Commissioner in Charge.

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(White Paid)

James Rhea age 44
Last Choc - 1st Choc Hall
page 96 Ch. Hall

wife
Eugenie age 30
page 414 Ch. Hall

Willie James age 8
(Same as mother)

Mary James age 10
Same name as Mother

All admitted by same Court
Case No. 690

Not removed to Malin before
June 28-98 (White Card)

7
Admitted
181

Choctaw 5675

Sam Martin

Transferred from Choctaw-3 Under
decision of July 29, 1903

5675

① ①

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

The record in the matter of the application for enrollment as
citizens by blood of the Choctaw Nation of-
SAM MARTIN and WILLIE MARTIN-----Choctaw D-13.

Chester D-13.

Muskogee, Indian Territory, February 25, 1902.

Sam Martin,

Robertson, Indian Territory.

Dear Sir:

You are hereby notified that your application for the enrollment of yourself and your minor child, Willie Martin, as citizens of the Chester Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 1st day of April, 1902.

On said date you may if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Chester Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

I. B. Needles.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 1, 1902.

San Martin, et al.,
vs.
The Choctaw Nation.
D-13.

In the matter of the application of San Martin for the enrollment of himself and his minor child, Willie Martin, as citizens by blood of the Choctaw Nation.

On February 25, 1902, the principal applicant was notified by registered mail that his application for the enrollment of himself and his minor child, Willie Martin, would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 1st day of April, 1902, for final consideration.

Now, on this 1st day of April, 1902, this cause coming on to be heard, pursuant to said notice, the applicant being called failed to appear either in person or by attorney, and the Choctaw Nation also failed to appear.

Hal Belford, being first duly sworn, upon his oath states that the above is a true and correct transcript of his stenographic notes of the proceedings in the above entitled cause, which he, as stenographer to the Commission to the Five Civilized Tribes, reported in full on the 1st day of April, 1902.

Subscribed and sworn to before me this _____ day of April, 1902.

Charles H. Belford
Notary Public

7-D-13

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Chickasha, Indian Territory, October 16, 1902.

In the matter of the application for enrollment of Sam Martin as a citizen by blood of the Choctaw Nation.

Said Sam Martin, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Sam Martin.
Q How old are you? A Thirty-eight.
Q What is your postoffice address? A Robinson.
Q What Nation? A Chickasaw Nation.
Q How long have you lived in the Chickasaw Nation? A Born and raised here.
Q Never have made your residence anywhere else? A No sir.
Q Always have maintained a residence here in the Chickasaw Nation? A Yes sir.
Q You claim to be a citizen by blood of the Choctaw Nation? A Yes sir.
Q What is your father's name? A Willis Martin.
Q Is he a citizen by blood of the Choctaw Nation? A Yes sir.
Q What is your mother's name? A Sophie Monerief.
Q Is she a citizen by blood of the Choctaw Nation? A Yes sir.
Q Were your father's and mother's rights to citizenship in the Choctaw Nation ever disputed? A Not that I know of.
Q Have you during your life time always been recognized by the Choctaw tribe when they had payments of money-as a citizen? A Yes sir.
Q Did you draw the 1893 leased district payment money? A No sir, '92 and '94 is the only time.
Q How much did you draw in '92? A One hundred and five dollars.
Q Where did you draw that money? A Dixon Gibson got that money.
Q You had a child living at that time? A Yes sir.
Q What was the child's name? A William Martin.
Q Did you draw for that child too? A Yes sir.
Q Who drew the money for the child? A Dixon Gibson.
Q Did you ever get the money? A Yes sir.
Q Was there any trouble in getting it? A No sir.
Q Who paid the money in '93? A I don't know who it was. old E. J. Garvin, when Dixon Gibson brought the check, he cashed the check at White Hall.
Q Where did Garvin get the money? A I don't know, he had it I guess.
Q You say Garvin paid the money to Dixon Gibson? A He cashed the check that Dixon brought there and Dixon get us our money there, old aunt Patey Hall and others.

Sam Martin-2

Q You never have lived anywhere except in the Chickasaw Nation?
A No sir.
Q Is your child, Willie, living? A Yes sir.
Q Living with you? A Yes sir.
Q Was he born in the Chickasaw Nation and always resided here?
A Yes sir.

Examination by Peter Maytubby, Chickasaw Commissioner.

Q Who was your father? A Willis Martin, old aunt Patsy Hall's brother.
Q Wasn't your mother a Creek Indian? A No sir, a Choctaw. She's old lady Monerief's own child.

By Mr. Maytubby: Of course you wouldn't know anything about a Creek woman--he had a Creek woman for a wife.

Q Where was you born at? A Fort Washita.
Q How long did you live at Fort Washita? A From the time I was an infant --
Q Where did you go from there? A To Fort Arbuckle.
Q What caused your trouble about enrollment? A All they had against me was I didn't know when I was enrolled, in '93 or '94.
Q Where was you at that time? A At Pauls Valley.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Chickasha, Indian Territory, October 16, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 13 day of October, 1902.

[Signature]
Notary Public.

Department of the Interior
Commission to the Five Civilized Tribes
Pawnee Valley, I.T. October 23, 1902.

Choctaw D-12

In the matter of the application for enrollment as citizens
by blood of the Choctaw Nation of Sam Martin and his minor daughter
Willie Martin.

Sam Moncrief being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Sam Moncrief.
Q How old are you? A I will be fifty-three my birthday in January.
Q Next January? A Yes, sir.
Q What is your post office address? A Wayne.
Q Are you acquainted with a man by the name of Sam Martin who lives near Roberson, Indian Territory? A Yes, sir.
Q How long have you known him? A Ever since he was an infant.
Q He is a child of your full sister? A Yes, sir.
Q What was the name of his mother? A Sophie Moncrief.
Q What was the name of his father? A Louis Martin.
Q Did Louis Martin have any Choctaw blood? A Yes; he was a Choctaw by blood.
Q How much Choctaw blood did he have? A I don't know--about one-eighth or one quarter, I was quite small then.
Q What was the name of Sophie's mother? A Margaret Moncrief.
Q Her father? A William Moncrief.
Q What was the name of Louis' father? A I don't know.
Q What was the name of his mother? A I don't know.
Q Were Louis Martin and Sophie Martin during their life time always recognized and enrolled as citizen of the Choctaw Nation by blood? A Yes, sir.
Q Their rights were never questioned to your knowledge? A No, sir.
Q Did they live all of their lives in the Choctaw or Chickasaw Nation? A Yes, but they separated after this child was born.
Q Always enjoyed all of the rights and privileges of Choctaw citizens? A Yes, sir.
Q Has Sam Martin lived in this Choctaw-Chickasaw country all of his life? A Never been anywhere but the Chickasaw.
Q Always been a recognized citizen of the Choctaw Nation? A Yes, sir.
Q Do you know whether he drew the 1893 leased District Payment money? A I don't know, I guess he did; I did not see him draw.
Q Always been carried as a Choctaw on the rolls? A I guess so.
Q Has he always voted in the Choctaw-Chickasaw elections? A No, sir, we are not allowed to vote here, the Choctaws.
Q You never have heard of Sam being questioned in any manner? A No, sir.
Q All of your family have always been recognized members of the Choctaw tribe? A Yes, sir.
Q Has Sam any children living to your knowledge? A He has one little child; a little girl.

- Q She is living with him and during his entire life has lived with him? A No, sir; I think the mother had it in Texas somewhere now, he is separated from her.
- Q The mother of this little girl is a white woman? A Yes, sir.
- Q Do you know when this little child Willie left the Indian Territory? A I don't know.
- Q Do you know for certain that she left the Indian Territory? A I don't know only what Garvin tells me.
- Q How long since you have seen this little girl? A It has been two or three years.
- Q When you saw her the last time about three years ago was she living in this country? A Yes; she was with her mother at Mr. Garvin's house.
- Q Is she in Texas she has left here since that time? A Yes, sir.

G. Rosenwinkel, being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on October 23, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Subscribed and sworn to before me this 20 day of November 1902.

Charles H. Hargrave
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

DEC 20 1902



ACTING CHAIRMAN.

Rush spring wt. } ss
Southern Jurisdiction.

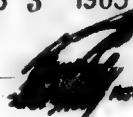
Mrs M. J. Clayton being first
and sworn deposed and says —
That Samuel Martin of her
own knowledge is the child of
her own Sister (Sophia Winters)
who is a recognized citizen of
the Choctaw Nation and that her
and my self are the legal children
of William and Margaretta Manning citizens
of the Choctaw Nation

signed by Mrs M. J. Clayton
in the presence of
Perry Blakeley.

Subscribed & sworn to before
me this 22nd day Dec 1802
by the said affiant to me well
known as the old Indian person
she represents herself to be the
22nd day Dec 1802

J. L. Mayor
of the town of Rush Spring

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
FEB 3 1903


ACTING CHAIRMAN

Robberson & P. 1/29/1903

I. C. E. Winter on my oath
state that Sam Martin is my
half brother. That he was married
to Sarah Martin at my Father's
house near this place on the
19th of July 1891. I have known him
and Sara Martin from that time
to the present. I know that they had
the child Willie Martin and that
the child Willie Martin is now living

C. E. Winter

Subscribed and sworn to before
the undersigned authority. This the
29 day January 1903

S. J. Halley
Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

FEB 3 1903

ACTING CHAIRMAN

W. M. EASTBERRY.
WM. H. BAILEY.
THOS. LEVERETT.
LYNN HENDLEY.
S. C. CAYWOOD.

OFFICE OF
MAYOR OF RUSH SPRINGS.

W. T. HOPPER, Mayor.
F. P. BRADLEY, Recorder.

COLLECTOR.
JOHN SHIELDS.

RUSH SPRINGS, ~~MO.~~ ^{Jan. 31} 1903.

I, Margrete Muncie, on my oath
state that Millie Martin my great grand daughter
was born in my house at Fred J. P. that
Nora Martin and Lane Martin are the mother
and father of her. She was born on the
24th day of June 1892 Margaret Muncie that her mother
Witness to Mark. Mrs M. J. Olaton
Subscribed and sworn to before
me this 31st day of Jan 1903.

W. T. Hopper
Mayor of Rush Springs
J. P.

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W & D
J.H.R.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Sam Martin and Willie Martin as citizens by blood of the Choctaw
Nation.

DECISION.

It appears from the census card record in this case that
Sam Martin appeared before the Commission at Pauls Valley, Indian
Territory, September 12, 1898, and made personal application for
the enrollment of himself and his minor child, Willie Martin, as
citizens by blood of the Choctaw Nation. Further proceedings were
had in the matter of this application at Chickasha, Indian Ter-
ritory, October 16, 1902, and at Pauls Valley, Indian Territory,
October 23, 1902.

It further appears from the evidence submitted in sup-
port of this case that the principal applicant herein is a son of
Willis Martin and Sophie Moncrief, both of whom are recognized
citizens by blood of the Choctaw Nation; and that the minor ap-
plicant, Willie Martin, is his daughter, born to him by his non-
citizen wife, Nora Martin.

On an examination of the tribal rolls of the Choctaw Na-
tion in the possession of the Commission the names of Sam Martin
and Willie Martin (as Wm. Martin), are identified on the 1893
Choctaw Leased District payment roll at page 42, Nos. 409 and 410,
respectively. They are also identified on the 1896 Choctaw cen-
sus roll, Nos. 8941 and 8942, respectively.

The record in this case further shows that the appli-
cants herein were residents in good faith of the Chickasaw Nation
on June 28, 1898, and had resided in Indian Territory all their
lives prior thereto.

It is, therefore, the opinion of this Commission that
Sam Martin and Willie Martin should be enrolled as citizens by
blood of the Choctaw Nation in accordance with the provisions of
section 21 of the act of Congress approved June 28, 1898 (30 Stat.,
495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[Signature]
Acting Chairman.

[Signature]
Commissioner.

C. A. Buckinridge
Commissioner.

Muskogee, Indian Territory,

JUL 20 1903

W. E. Harvey
Commissioner.

Choctaw-D 13

COPY.

Muskogee, Indian Territory, July 20, 1903.

Sam Martin,

Roberson, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission, rendered July 20, 1903, granting the application made by you for the enrollment of yourself and your minor child, Willie Martin, as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you and your child as citizens of the Choctaw Nation. If at the expiration of that time no protest has been filed, your names will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

Registered.

Enc. No. 11-20

7-2 15

COPY.

Muskogee, Indian Territory, July 20, 1903.

Manafield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered July 20, 1903, granting the application of Sam Martin and Willis Martin for enrollment as citizens by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time no protest has been filed, the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

I. B. Needles.
Commissioner in Charge.

Registered.

Enc. No. 14-20

Muskogee, Indian Territory.

August, 18th 1900.

Sam Martin,

Roberson, Indian Territory.

Dear Sir,-

You are hereby notified that the Choctaw Nation through its attorneys, Messrs McKennon, Mansfield, McMurray & Cornish, has filed with the Commission a notice of protest to your enrollment, and to the enrollment of Willie Martin as citizens of the Choctaw Nation.

The Commission, commencing December, 3rd, 1900, hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

7-D-13.

Acting Chairman.

-5-D-91-
-7-D-13-
-7-R- 507-

Muskogee, Indian Territory, September 25, 1902.

Postmaster,

Robberson, Indian Territory.

Dear Sir:-

On March 19th, March 27th and April 3rd, 1902, there were forwarded from this office, by registered mail, letters addressed to the following persons:

Register No. 4406, Augustus Seale;
Register No. 2773, Sam Martin;
Register No. 5725, Sarah Johnson,

for which no delivery receipts have as yet been received. If these letters have been delivered, please advise dates of such delivery; if on hand unclaimed, please return to this office.

Respectfully,

Acting Chairman.

7-10-15.

Muskogee, Indian Territory, December 30, 1905.

Sam Martin,

Roberson, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavit of Mrs. S. J. Blanton, offered in support of your application for enrollment as a citizen by blood of the Choctaw Nation, and the same has been filed with the record in your case.

Respectfully,

Acting Chairman.

7-D-13-

Muskogee, Indian Territory, February 4, 1903.

Sam Martin,

Rush Springs, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 31, 1903, enclosing the affidavits of G.E. Winter and Margaret Muncie, relative to the marriage between yourself and Dora Martin, and as to the birth of your minor child, Willie Martin; and the same have been duly filed with the records of the Commission in the matter of the application for enrollment as citizens by blood of the Choctaw Nation of Sam and Willie Martin.

Respectfully,

Acting Chairman.

Choctaw 5675

Muskogee, Indian Territory, May 9, 1904.

Sam Martin,

Rush Springs, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 26, in which you ask if you can be appointed guardian of your minor child, Willie Martin, who is now in the custody of her mother, Lora Pittman, who was formerly your wife.

In reply to your letter you are informed that the matter of the appointment of guardians for minor citizens of the Choctaw and Chickasaw Nations does not come within the jurisdiction of the Commission, and it is therefore impracticable to give you any advice upon the subject. Your attention is, however, invited to the following provision of the act of Congress approved April 28, 1904, entitled "An Act To provide for additional United States judges in the Indian Territory, and for other purposes," Public Number 256:

"Sec. 2. All the laws of Arkansas heretofore put in force in the Indian Territory are hereby continued and extended in their operation so as to embrace all persons and estates in said Territory, whether Indian, freedmen, or otherwise, and full and complete jurisdiction is hereby conferred upon the district courts in said Territory in the settlement of all estates of decedents,

Sam Martin, P.

the guardianships of minors and incompetents, whether Indians, freedmen, or otherwise."

Respectfully,

Chairman.

Choctaw 5675

Muskogee, Indian Territory, May 9, 1904.

D. L. Pittman,

Woolsey, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 25, in which you ask if an Indian has taken his allotment and is holding other land, and the land last referred to is filed on by another citizen, if the former citizen can transfer the land to a native who could then enter contest and beat the citizen out of his filing.

You also ask if allotment has been selected for Willie Martin, daughter of Sam and Nora Martin and state that the father and mother of the child have separated and the mother, who is now your wife, procured a divorce and was awarded the custody of the child. You therefore wish to be informed if you can file for this child.

In reply to the first part of your letter you are informed that the Commission cannot render any opinion upon hypothetical questions of allotment. The only way in which the question referred to could be passed upon is by having application made at the land office for the land; then in the event contest is instituted for the same, the question would properly be passed upon by the Commission.

D L P 2

You are further advised that it does not appear that application has been made for an allotment to Willis Martin, up to and inclusive of May 6, 1904. Relative to the selection of an allotment in his behalf, your attention is invited to section eight of the rules and regulations governing the selection of allotments and the designation of homesteads in the Choctaw and Chickasaw Nations, copy of which is herewith inclosed you.

The matter of the classification of the land referred to in your letter has been made the subject of another communication.

Respectfully,

Chairman.

Rules for allotment.

Choctaw-8675.

Muskogee, Indian Territory, July 7, 1904.

O. W. Patchell,
Attorney at Law,
Pauls Valley, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 30th, in which you ask if Nora Martin, wife of Sam Martin, and mother of Willie Martin ever appeared before the Commission as an applicant for enrollment as an intermarried citizen of the Choctaw Nation.

In reply to your letter, you are informed that it does not appear from our records that application has been made to the Commission by or on behalf of Nora Martin for enrollment as an intermarried citizen of the Choctaw Nation. It appears from our records that she is the non-citizen mother of Willie Martin, daughter of Sam Martin, and under the provisions of the act of Congress approved July 1, 1904 the Commission is now without authority to receive or consider any original applications for enrollment in the Choctaw or Chickasaw Nation.

Respectfully,

Commissioner of the Choctaw Nation.

7-5675

Muskogee, Indian Territory, August 12, 1904.

W. I. Gilbert,

Attorney at Law,

Duncan, Indian Territory.

Dear Sir :-

Receipt is hereby acknowledged of your letter of the 8th inst., stating that when the Commission was at Paul's Valley, in 1898, for the purpose of taking a census of the members of the Choctaw and Chickasaw Nations residing in the Chickasaw Nation, Mrs Nora Martin appeared before the Commission as an applicant for enrollment as a citizen by inter-marriage, at which time she stated to the Commission that she had married her husband, Samuel Martin, who was a duly enrolled citizen by blood of the Choctaw Nation, under the laws of the United States; that she stated, further, that at the time referred to the Commission instructed her to appear again before them at Ardmore, Indian Territory, with her certificate of marriage, she not having it with her at the time of her first appearance; that on account of illness she was unable to appear before the Commission at Ardmore, as instructed, and has been unable up to this time to produce her proof before the Commission, and you request to be advised what steps to take in the matter in order that she may perfect her application for enrollment as an inter-married citizen.

You are informed it does not appear from our records that

W.I.C. 2.

any application has been made to this Commission by or on behalf of
Hera Martin for enrollment as an intermarried citizen of the Choctaw
Nation. It does appear, however, that she is the non-citizen mother
of Willie Martin, daughter of Sam Martin.

Under the provisions of the Act of Congress approved July
1, 1902, the Commission is now without authority to receive or con-
sider the original application for enrollment of any person whatsoever
as a citizen of the Choctaw or Chickasaw Nation.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, June 26, 1905.

Cruce, Cruce & Bleakmore,

Attorneys at Law.

Ardmore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of June 21, 1905, in which you ask the status of the application of Nora Martin for enrollment as an intermarried citizen of the Choctaw Nation; you state that her name is now Nora Pittman and that she is the mother of Willis Martin and was formerly the wife of Sam Martin.

In reply to your letter you are advised that it appears from our records that Sam Martin and his son Willis Martin have been enrolled by the Commission as citizens by blood of the Choctaw Nation and their enrollment as such has been approved by the Secretary of the Interior.

It further appears that Nora Martin, mother of Willis Martin is a non citizen and it does not appear that application has been made to this Commission for her enrollment as a citizen of the Choctaw Nation under the provisions of the act of Congress approved July 1, 1902, and the Commission is now without authority to receive or consider original applications for enrollment in the Choctaw

C. G. & D. 42

Law of Chickasaw Nation.

Respectfully,

Chairman.

7-5675

Muskogee, Indian Territory, September 29, 1908.

Hera Pitman,

Woolsey, Indian Territory.

Dear Madam:

I am in receipt of your letter of the 25th instant, in which you request to be advised if W. I. Gilbert or any other attorney has appeared before this office in the matter of your application for enrollment as an intermarried citizen of the Choctaw Nation. You state that you were formerly the wife of Sam Martin, a Choctaw Indian, and the mother of Willie Martin.

It appears from the records of this office that Sam Martin, now about 41 years of age, and his minor daughter, Willie Martin, about thirteen years of age, have been enrolled as citizens by blood of the Choctaw Nation and their enrollment as such approved by the Secretary of the Interior.

It further appears from said records that the wife of Sam Martin and the mother of Willie Martin is Hera Martin, a non-citizen white woman, but it does not appear from said records that any application has ever been made by or on behalf of Hera Martin for enrollment as an intermarried citizen of the Choctaw Nation.

Under date of June 21, 1908, Messrs. Grace, Grace & Shanks, attorneys at law, of Ardmore, Indian Territory, addressed a

M P 2

communication to this office in reference to your right to enrollment as a citizen by intermarriage of the Choctaw Nation. They were advised of the facts as set forth in this letter and that no authority now exists for the reception or consideration of any original applications for enrollment in the Choctaw or Chickasaw Nations.

If an application was not made for your enrollment as an intermarried citizen of the Choctaw Nation prior to December 24, 1902, I am now without authority or jurisdiction to receive or consider any such application.

Respectfully,

Commissioner.

7-5678

Muskogee, Indian Territory, July 20, 1906.

Hera Pitman,

Woolsey, Indian Territory.

Dear Madam:

Referring to your letter of June 27, 1906, you are advised that apparently the records in the possession of this office fail to show that an application was made within the time prescribed by law to the Commission to the Five Civilized Tribes, or to the Commissioner, for enrollment by or on behalf of Hera Pitman as a citizen of the Choctaw Nation.

The Act of Congress approved April 26, 1906, (Public No. 129), provides in part as follows:

"That after the approval of this Act no person shall be enrolled as a citizen or freedman of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes of Indians in the Indian Territory, except as herein otherwise provided, unless application for enrollment was made prior to December first, nineteen hundred and five, and the records in charge of the Commissioner to the Five Civilized Tribes shall be conclusive evidence as to the fact of such application; and no motion to reopen or reconsider any citizenship case, in any of said tribes, shall be entertained unless filed with the commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this Act, in which cases such motion shall be made within sixty days after the passage of this Act: Provided, That the Secretary of the Interior may enroll persons whose names appear upon any of the tribal rolls and for whom the records in charge of the Commissioner to the Five Civilized Tribes show application was made prior to December first, nineteen hundred and five and which was not allowed solely because not made within the time prescribed by law."

H. P.

(2)

Seemingly, the provision of law above quoted is determinate as to your alleged claim to enrollment as a citizen of the Choctaw Nation. If, however, you still desire to appear before the Commissioner at his office in Muskogee, Indian Territory, you may do so on any date within a reasonable time, when sufficient testimony will be taken for the purpose of establishing whether any application of any character was made for your enrollment as a citizen of the Choctaw Nation within the time provided by law.

Respectfully,

Commissioner.

Chortaw

Sam Martin

Page 359 - C.C.R. No 2

age 34 -

Chortaw Residing in the
Chickasaw Dist.

Winnie - on Roll Willie
Martin -

Page 359 - C.C.R. No 2

age 6 -

Chor. Res. in the Chick -
Dist.

OK Bailey

J-A-13

76/

Choctaw 5676

ROBERT L. COTTON

5676

Maud Cotton Transferred from
Choc #D-761 Nov. 26, 1904

Transferred from Choc #D47 8-5-03

Chester D-47.

Muskogee, Indian Territory, February 23, 1902.

Robert L. Cotton,

Maxwell, Indian Territory.

Dear Sir:

You are hereby notified that your application for enrollment as a citizen of the Cheateau Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 2nd day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Cheateau Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

T. B. Needles.

Commissioner in Charge.

Register.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

X-----X
: In the matter of the application of :
: Robert L. Cotten as a citizen by blood: ----D 47----
: of the Choctaw Nation. :
X-----X

On February 25, 1902, the applicant, Robert L. Cotten, was notified by registered mail that the application for the enrollment of himself as a citizen by blood of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 2nd day of April, 1902, for final consideration.

Now, on this 2nd day of April, 1902, this cause coming on to be heard pursuant to said notice, the following appearances were made:

A P P E A R A N C E S :

Robert L. Cotten, the applicant, :
in person, and by his attorney, : He appearance by attorneys
A. Telle. : for the Choctaw Nation.

The applicant, Robert L. Cotten, being first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

Q What is your name? A Robert L. Cotten.
Q How old are you? A I will be twenty one on the 20th of next September.
Q What is your post office address? A Mill Creek, Chickasaw Nation.
Q What was your father's name? A My father's name was David Blackwell Cotten.
Q What was your mother's name? A Susan McClure before she married.
Q Was your father on the Choctaw rolls? A I don't know whether he was or not.
Q Was your mother? A Yes sir.
Q Is your father living? A No sir, my father and mother are both dead.
Q Have you ever been on the rolls of the Choctaw Nation? A I have been on the rolls all my life.

Robert L. Cotten-----2

Q You were too young to draw money in 1893? A No sir; I drew money in 1893.

Q Are you on the Choctaw census roll of 1896? A Yes sir.

Mr TALLE: Reference is made to Choctaw Census Roll of 1896 Page 73, #3079; and reference is also made to the 1893 Choctaw Pay Roll, page 8, of Choctaws residing in Chickasaw District, No. 78, where the name of this applicant appears as Robert Cotten.

By the Commission: This case will be considered by the Commission upon the record as now made up.

Harry C. Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 2nd day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C. Risteen

Subscribed and sworn to before me at Muskogee, I. T., this 3rd day of April, 1902.

Carmitah Wood

Notary Public.

gmc
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7- D - 47.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Robert L. Cotten as a citizen by blood of the Choctaw Nation.

D E C I S I O N .

It appears from the census card records in this case that Robert L. Cotten appeared before the Commission at Ardmore, Indian Territory, on September 23, 1898, and made personal application for the enrollment of himself as a citizen by blood of the Choctaw Nation, and on April 2, 1902, further proceedings were had in this case at Muskogee, Indian Territory.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission that the name of Robert L. Cotten appears upon the 1893 Lease District Payment Roll, at page 8, No. 78 of the record of the Choctaws residing in the Chickasaw District (written Robert Cotten), and on the 1896 Choctaw census roll, page 73, No. 3079 thereof.

It further appears that the applicant was a resident in good faith of the Chickasaw Nation on June 28, 1898, all applicants listed upon census cards during the year 1898 having been first examined as to such fact, although their testimony was not reduced to writing.

It is, therefore, the opinion of this Commission that the application of Robert L. Cotten for enrollment as a citizen of the Choctaw Nation by blood should be granted under the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Muskogee, Indian Territory,

JUL 20 1903

Chairman.

COMMISSIONER.

COMMISSIONER.

COMMISSIONER.

7-D-47.

COPY.

Muskogee, Indian Territory, July 20, 1903.

Robert L. Gotten,
Millcreek, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission, rendered July 20, 1903, granting your application for enrollment as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED) *T. B. Needles.*
Commissioner in Charge.

Registered.

Enc. En 9-20

COPY.

7-B 47

Muskogee, Indian Territory, July 20, 1903.

Mansfield, McMurray & Gernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered July 20, 1903, granting the application of Robert L. Cotten for enrollment as a citizen by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, the name of the applicant will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

Registered.

EX-10-20

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, I.T. July 18, 1902.

In the matter of the application for enrollment as a citizen by intermarriage of the Choctaw Nation of Maud Cotton.

Applicant not represented by attorney.

Maud Cotton being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Maud Cotton.
Q C-o-t-t-o-n? A Yes, sir.
Q How old are you? A Twenty-two years old.
Q What is your post office address? A Mill Creek.
Q What Nation is that in? A Chickasaw Nation.
Q How long have you lived in the Chickasaw Nation? A I have lived there about six months.
Q Where did you live before that? A In Missouri.
Q Always live in Missouri before you lived in the Chickasaw Nation? A I was away from home about a year.
Q The last six months you have maintained a residence in the Indian Territory? A Yes, sir.
Q What is your father's name? A William Dougherty.
Q How do you spell that? A D-o-u-g-h-e-r-t-y.
Q Is your father living? A No, sir; he is dead.
Q What is your mother's name? A Adelaide Dougherty.
Q Your mother living? A No, sir.
Q Mother and father both white persons? A Yes, sir.
Q Citizens of the United States? A Yes, sir.
Q Did either your father or mother ever make any claim to citizenship by blood in any tribe of Indians? A No, sir.
Q Did they ever draw any payments of money as citizens of any tribe of Indians? A No, sir.
Q You are a white woman? A Yes, sir.
Q Have you ever made any claim to citizenship by blood in any tribe of Indians? A No, sir.
Q Ever draw any money as a member of any tribe of Indians? A No, sir.
Q You are an applicant to this Commission at this time for enrollment as a citizen by intermarriage of the Choctaw Nation? A Yes, sir.
Q What is the name of your husband? A Robert L. Cotton.
Q How old is he? A Twenty-one years old.
Q Is he a citizen by blood of the Choctaw Nation? A Yes, sir.
Q When did you marry him? A The 16th of April.
Q What year? A 1902.
Q Where were you married? A Mill Creek.
Q Indian Territory? A Yes, sir.
Q Married by a priest? A Yes, sir.
Q Did you obtain a license to marry? A Yes, sir.
Q Have you your marriage license and certificate? A Yes, sir.

There is offered in evidence, marked exhibit "A", filed, and made a part of the record in this application, a marriage license issued by the Clerk of the United States Court, Southern District, Indian Territory, to R. L. Gotten and Miss. Maud DeGherby, dated April 14, 1902, attached thereto being the certificate of Edw. F. McCreary, certifying to the marriage of R. L. Gotten and Maud DeGherby on April 14, 1902, said marriage license and certificate being recorded April 17, 1902, in Record Book "Y", page 216, of the marriage record Southern District, United States Court, in Indian Territory.

The name of the husband of this applicant appears upon the records of the Commission as an applicant for enrollment as a citizen by blood of the Choctaw Nation on Choctaw roll card, field number B-47, his name having been identified on September 20, 1902, from the 1898 census roll of the citizens of the Choctaw Nation as a resident of the Chickasaw District.

Witness excused....

Robert L. Gotten, called as a witness, duly sworn, testified as follows:

Examination by the Commission

- Q What is your name? A Robert L. Gotten.
Q How old are you? A Twenty-one.
Q What is your post office? A Mill Creek, I.T.
Q Are you a citizen of the Choctaw Nation? A Yes, sir.
Q How long have you resided in the Chickasaw Nation? A I was born in the Chickasaw Nation.
Q Where there all of your life? A Yes, sir.
Q Have you maintained a residence in the Choctaw Nation? A No, sir.
Q You are the husband of Maud Gotten this applicant? A Yes, sir.
Q You were married to her under a United States license? A Yes, sir.
Q That the only marriage ceremony ever performed between you and Maud DeGherby? A Yes, sir.
Q Have you married in accordance with the tribal laws of the Chickasaw Nation? A No, sir.
Q At the time of this marriage you was a resident of the Chickasaw Nation and had been all of your life up to that time? A Yes, sir.

Witness excused.....

Maud Gotten, recalled, testified:

- Q Were you ever married before you married Robert L. Gotten? A No, sir.

- Q The only marriage ever performed was under this United States license? A Yes, sir.
Q And since this marriage you have lived together as man and wife?
A Yes, sir.
Q No separation or divorce? A No, sir.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on July 18, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of July 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 21st day of July 1902.

G. L. V. Emerson
Notary Public.

7-D-761

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Ada, Indian Territory, November 10, 1902.

In the matter of the application for enrollment of Maud Cotton as a citizen by intermarriage of the Chectaw Nation.

Said Maud Cotton, being first duly sworn, testified as follows:

Examination by the Commission.

Q What is your name? A Maud Cotton.
Q What is your age? A Twenty-two.
Q What is your postoffice address? A Mill Creek.
Q Is that in the Chickasaw Nation? A Yes sir.
Q How long have you lived in the Chickasaw Nation? A About nine months.
Q Where did you live before that? A In Missouri--I lived in Oklahoma a while, about one year.
Q Before you came to the Chickasaw Nation? A Yes sir.
Q Then you came over here from Oklahoma? A Yes sir.
Q Before that you lived in Missouri? A Yes sir.
Q Do you claim intermarried rights in the Chectaw Nation? A Yes sir.
Q What is the name of your husband through whom you claim these rights? A Robert L. Cotton.
Q Is he a recognized and enrolled citizen of the Chectaw Nation? A Yes sir.
Q When were you married to Robert L. Cotton? A The sixteenth day of April, 1902.
Q Where did this marriage take place? A At Mill Creek.
Q Both you and your husband were living in the Chickasaw Nation at that time? A Yes sir.
Q Were you married in accordance with the Chickasaw law? A I guess not.
Q You didn't get an Indian license? A No sir.
Q Did you obtain a license from the United States Court? A Yes sir.
Q You never attempted to obtain a license from the Chickasaw tribal authorities? A No sir.
Q Were you ever married to anyone else before your marriage to Robert L. Cotton? A No sir.
Q Was he ever married to any other woman? A No sir.
Q Since this marriage have you been living together as husband and wife? A Yes sir.
Q Been no separation or abandonment? A No sir.
Q You are at present bona fide residents of the Chickasaw Nation? A Yes sir.

Ira S. Hiles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Ada, Indian Territory, November 10, 1902, and that the above and foregoing is a full true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this 16 day of November, 1902.

Charles H. Sawyer

Notary Public

245
7-5-101.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Maud Cotten as a citizen by intermarriage of the Choctaw Nation.

-: D E C I S I O N :-

It appears from the record herein that on April 16, 1902, the applicant, Maud Cotten (nee Dougherty), was lawfully married to Robert L. Cotten, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 14997 upon the lists prepared by this Commission, under the act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation and approved by the Secretary of the Interior on October 15, 1903; that at the time of said marriage both persons above mentioned were residents in good faith of the Chickasaw Nation, and that they lived together continuously in said nation as husband and wife from the date of said marriage up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Ella Jones (I.T.D. 6818-1904), Maud Cotten should be enrolled as a citizen by intermarriage of the Choctaw Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495), and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Reed
Commissioner.

Muskogee, Indian Territory,

NOV 9 - 1904

COPY.

Choctaw D 761

Muskogee, Indian Territory, November 9, 1904.

Maud Cotten,

Dougherty, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered November 9, 1904, granting your application for enrollment as a citizen by inter marriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of said decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

James Bixby

Chairman.

Registered.

Incl. 7-D-761.

Ghooatw D 761

COPY.

Muskogee, Indian Territory, November 9, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,
Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission rendered November 9, 1904, granting the application for the enrollment of Maud Cotton as a citizen by intermarriage of the Choctaw Nation.

You are hereby notified that you will be allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, her name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

Tamie Dixby

Chairman.

Registered.

Incl. 7-D-761.

See Choctaw D 1002 for registry receipt for this letter.

Exhibit "A."

Certificate of Record of Marriage.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
SOUTHERN DISTRICT. } *scd.*

I, C. M. CAMPBELL, Clerk of the United States Court in the Territory and District aforesaid, do hereby certify that the License for, and Certificate of Marriage of,

MR. *R. L. Cotton*

AND

MISS *Maudie Dougherty*

were filed in my office in said Territory and District the *17* day of *April* A. D. 190*2*, and duly recorded in Book *7* of Marriage Record, Page *316*

WITNESS my hand and Seal of said Court, at Ardmore, this *17th* day of *April*, A. D. 190*2*.

C. M. Campbell
Clerk.

*Return this License to the United States Clerk at Ardmore, that it may be recorded, when it will be mailed to the proper address.

Arden, Okla. State Print

APR 17 1902 8 AM

C. M. CAMPBELL, Clerk.

Southern Dist. Ind. Ter.

COMMISSION TO THE DISTRICT CLERK
FILED
JUL 18 1902

MARRIAGE LICENSE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
SOUTHERN DISTRICT. } ss:

To Any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to solemnize the Rite and publish the
Banns of Matrimony between Mr. *R. L. Cotton*
of *Mill Creek* in the Indian Territory, aged *21* years,
and *M. Maud Dougherty*, of *Mill Creek*
in the Indian Territory, aged *20* years, according to law, and
do you officially sign and return this License to the parties therein
named.

Witness my hand and official seal, this *14* day
of *April*, A. D. *1902*
W. Campbell
Clerk of the United States Court.

Deputy.

Certificate of Marriage.

United States of America,
Indian Territory,
Southern District. } ss:

I, *Robert F. McBroom*
Minister of the Gospel

do hereby certify, that on the *16* day of *April*, A. D. *1902*, I did
duly and according to law, as commanded in the foregoing License, solemnize the Rite and
publish the Banns of Matrimony between the parties therein named.

Witness my hand, this *16* day of *April*, A. D. *1902*

My credentials are recorded in the office of the Clerk of the United States Court, Indian
Territory, Southern District, at Ardmore, Book *6*, Page *85*

Robert F. McBroom
Minister of the Gospel

NOTE—The person officiating should fill in the
spaces for book and page and sign here.

NOTE (a)—This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court
in the Indian Territory, at Ardmore, within sixty days from the date hereof, or the party to whom the License was issued will be
liable in the amount of One Hundred Dollars (\$100.)
NOTE (b)—No person is authorized to perform the Marriage Ceremony in the Southern District, unless the proper creden-
tials have first been recorded in the Clerk's office.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----X
: In the matter of the application of :
: Robert L. Cotten as a citizen by blood: ----D 47----
: of the Choctaw Nation. :
: :
-----X

On February 25, 1902, the applicant, Robert L. Cotten, was notified by registered mail that the application for the enrollment of himself as a citizen by blood of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 2nd day of April, 1902, for final consideration.

Now, on this 2nd day of April, 1902, this cause coming on to be heard pursuant to said notice, the following appearances were made:

A P P E A R A N C E S :

Robert L. Cotten, the applicant, :
in person, and by his attorney, : No appearance by attorneys
A. Telle. : for the Choctaw Nation.

The applicant, Robert L. Cotten, being first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

Q What is your name? A Robert L. Cotten.
Q How old are you? A I will be twenty one on the 30th of next September.
Q What is your post office address? A Mill Creek, Chickasaw Nation.
Q What was your father's name? A My father's name was David Blackwell Cotten.
Q What was your mother's name? A Susan McClure before she married.
Q Was your father on the Choctaw rolls? A I don't know whether he was or not.
Q Was your mother? A Yes sir.
Q Is your father living? A No sir, my father and mother are both dead.
Q Have you ever been on the rolls of the Choctaw Nation? A I have been on the rolls all my life.

Robert L. Cotton-----2

Q You were too young to draw money in 1893? A No sir; I drew money in 1893.

Q Are you on the Choctaw census roll of 1896? A Yes sir.

Mr TOLLE: Reference is made to Choctaw Census Roll of 1896 Page 78, #3070, and reference is also made to the 1893 Choctaw Pay Roll, page 3, of Choctaws residing in Chickasaw District, No. 78, where the name of this applicant appears as Robert Cotton.

By the Commission: This case will be considered by the Commission upon the record as now made up.

Harry G. Ristown, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 2nd day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry Ristown

Subscribed and sworn to before me at Muskogee, I. T., this 3rd day of April, 1902.

Clara M. Stollwood

Notary Public.

Muscogee, Indian Territory,

August 18th, 1900.

John Shelton,

Andmore, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs. McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as citizen of the Choctaw Nation.

The Commission, commencing December, 3rd, 1900 hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

Chester D 47

Muskogee, Indian Territory, April 22, 1902.

I. L. Nation,

Attorney at Law,

Adams, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 17th instant, enclosing a certified copy of the marriage license issued by C. M. Campbell, Clerk United States Court, Southern District, Indian Territory, under date of April 12, 1902, to R. L. Cotton to marry Miss Maude Dougherty, attached thereto being the certificate of Robert F. McGowan as to the marriage of R. L. Cotton and Maude Dougherty, April 12, 1902.

You request that the same be filed with the records of the Commission and that Mrs. Cotton's name be placed upon the lists as an intermarried citizen of the Cherokee Nation.

The certified copy of the marriage license and certificate are returned to you herewith with the information that the rules and regulations of this Commission and the Department of the Interior require that each and every applicant for enrollment as a citizen by intermarriage of the Cherokee Nation must present himself or herself before the Commission for the purpose of examination under oath so that a sufficient record can be made.

1111

upon which the rights of the applicant can be determined.

Until this personal appearance no record can be made or consideration given applications of this character.

If Mrs. Cotton desires to make application for enrollment as an intermarried citizen of the Choctaw Nation she will be heard upon her personal appearance at the office of the Commission at Muskogee, Indian Territory, at any time prior to the closing of the final rolls of the citizens of the Choctaw Nation and at which time such evidence of her marriage will be accepted and considered by the Commission.

Yours truly,

Acting Chairman.

Enc Y 107

Choctaw D 761

Muskogee, Indian Territory, May 2, 1904.

Maud Cotten,

Dougherty, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of April 25, asking the status of your enrollment as an intermarried citizen and in reply you are advised that the Commission has not yet passed upon your application for enrollment as an intermarried citizen of the Choctaw Nation. As soon as a decision is reached in this case you will be notified of the action taken therein.

Respectfully,

Chairman.

Chordaw

Robert L. Catteron ap 18
on Roll Rollout

page 125- CCR 202. Ch. Dis

ok
Bisby

(Robert C. Catteron)

D. 47

Choctaw 5677

George Isaac

Transferred from Choc #D 169
8-5-03

5677

Choctaw D-169.

Muskogee, Indian Territory, February 27, 1902.

George Isaac,

Antlers, Indian Territory.

You are hereby notified that your application for enrollment, as a citizen of the Choctaw Nation, will be taken up by the Commission to the Five Civilized Tribes for final consideration, at its office in Muskogee, Indian Territory, on the 4th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the Representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

T. B. Needles,

Commissioner in Charge.

Register.

Department of the Interior.
Commission to the Five Civilized Tribes.

In the matter of the application of
George Isaac for enrollment as a
citizen by blood of the Choctaw Nation.

----D 169----

On the 27th day of February, 1902, the applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw Nation were notified by registered mail, that the application of George Isaac for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 4th day of April, 1902, for final consideration.

Now, on this 4th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear, and the applicant being called failed to appear either in person or by attorney.

Harry C. Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 4th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C. Risteen

Subscribed and sworn to before me this 8th day of April, 1902.

Charles H. Wood
Notary Public.

Commission to the Five Civilized Tribes,
Antlers, Indian Territory.

In the matter of the enrollment of George Isaac as a Choctaw
by blood. Wilson Fisher being sworn and examined by Commissioner
Needles, testifies as follows:

Q (Lewis) Who was this child's mother? A Lucy Morris be-
fore she was married to William Isaac.

Q Was she a widow? A She was a girl a daughter of George
Morris.

Q Who was he? A He lived in Red River County, and is living
now.

Q Did this child come from Millie Loud? A Yes sir.

Q Was it her grand-child? A Yes sir.

Q Her daughter or son's child? A Daughter, Lucy was the
daughter of Millie Loud and George Morris.

Q Who was her father? A George Morris.

Q Was George Morris married to Millie Loud? A I don't know,
I couldn't tell that, I don't know how it is; I was a boy then
when they were living together, I seen they were living to-
gether but I don't know whether they was married or not.

Q This Lucy then that was George Morris' child then? A Yes sir

Q Was Lucy married to William Isaac? A Yes sir she married
William Isaac.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
stenographer to above named Commission, that this
transcript is a true, full and correct translation of
the foregoing notes.

M. D. Green

7-D-169
L. A. D.
J. H. A.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
George Isaac as a citizen by blood of the Choctaw Nation.

- D E C I S I O N -

It appears from the record in this case that Wilson Fisher appeared before the Commission at Antlers, Indian Territory, May 18, 1899, and made personal application for the enrollment of George Isaac, a minor, as a citizen by blood of the Choctaw Nation.


It further appears from the census card and other records in this case that George Isaac is the child of William Isaac and Lucy Isaac (nee Morris), recognized citizens by blood of the Choctaw Nation, who are now deceased.

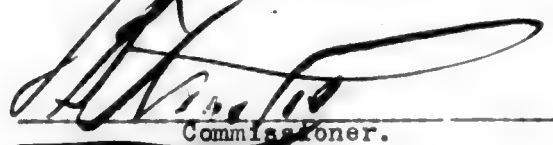
On an examination of the tribal rolls of the Choctaw Nation now in the possession of the Commission, the name of George Isaac is identified on the 1893 Choctaw Leased District payment roll, Kiamitia County, No. 418, and it is further identified, as George Williamson, on the 1896 Choctaw census roll, page 360, No. 13761.

It further appears that George Isaac was a resident in good faith of Indian Territory on June 28, 1898, all applicants who were listed on census cards in 1899 having been first examined as to such fact, although their evidence was not reduced to writing.

It is, therefore, the opinion of this Commission that George Isaac should be enrolled as a citizen by blood of the Choctaw Nation in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


J. H. A.
Chairman.


L. A. D.
Commissioner.


L. A. D.
Commissioner.

Muskogee, Indian Territory,

JUL 20 1903


W. E. H.
COMMISSIONER

Choctaw-D169

COPY.

Muskogee, Indian Territory, July 20, 1903.

George Isaac,

Antlers, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission, rendered July 20, 1903, granting your application for enrollment as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

T. B. Needles
Commissioner in Charge.

Registered.

Enc. No. 7-20

Cheetaw-D169

COPY.

Muskogee, Indian Territory, July 20, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Cheetaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered July 20, 1903, granting the application of George Isaac for enrollment as a citizen by blood of the Cheetaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Cheetaw nation. If at the expiration of that time no protest has been filed, the name of the applicant will be placed upon the final rolls of the citizens of the Cheetaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

Registered.

Enc. No. 2-20.

Muscogee, Indian Territory,

August 14th, 1900.

George Isaac,

Antlers, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Fairfield, Murray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, holds a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and the hearing will be final.

Yours truly,

Acting Chairman.

7-D-169.

COPY:

Cheot aw-D189

Muskogee, Indian Territory, July 20, 1903.

George Isaac,

Antlers, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission, rendered July 20, 1903, granting your application for enrollment as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

T. B. Needles
Commissioner in Charge.

Registered.

Enc. No 7-22

Chester-1169

COPY

Muskogee, Indian Territory, July 20, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered July 20, 1903, granting the application of George Isaac for enrollment as a citizen by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, the name of the applicant will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

I. B. Needles.
Commissioner in Charge.

Registered.

Enc. No 4-20.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIRBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Chootaw D-169.

Muskogee, Indian Territory, February 27, 1902.

George Isaac,

Antlers, Indian Territory.

You are hereby notified that your application for enrollment as a citizen of the Chootaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 4th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the representatives of the Chootaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

Register.


Commissioner in Charge.

-7-2-167-
-7-D-168-
-2-D-235-

Muskogee, Indian Territory, September 24, 1902.

Postmaster,

Antlers, Indian Territory.

Dear Sir:

On February 28 and March 20, 1902, there were forwarded from this office, by registered mail, letters addressed to the following persons:

---- Register No. 2841, William J. Hewitt;
---- Register No. 2842, George Isaac;
---- Register No. 4788, Bartemus Tupper,

for which no delivery receipts have as yet been received. If these letters have been delivered, please advise dates of such delivery; if on hand unclaimed, please return to this office.

Respectfully,

Acting Chairman.

Choctaw 5678

Joseph M. Davis

Transferred from Choctaw # D 370
8-5-03

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, INDIAN TERRITORY, DECEMBER 12, 1900.

Joseph M. Ward

vs

Choctaw D 370.

The Choctaw Nation.

J. M. Ward, having been first duly sworn by Acting Chairman
Tams Bixby, testifies as follows:

Examination by J. G. Ralls, Attorney for applicant.

- Q State your name? A Joe Ward.
Q Have you any middle name? A J. M. Ward.
Q How old are you? A Twenty six.
Q You are a son of W. G. and Elizabeth Ward are you? A Yes sir.
Q Your father is a Choctaw? A Yes sir.
Q You were born and raised in the Choctaw Nation? A Yes sir.
Q You have been enrolled by the Choctaws as a member of the Choctaw
Nation, have you? A Yes sir.
Q And you have been listed by the Commission on a white card, the
question being raised in your case as to whether you would be en-
rolled as a Choctaw or Cherokee, have you? A Yes sir.
Q Are you a married man? A Yes sir.
Q What is the name of your wife? A Minnie Ward.
Q Was she a white person? A Yes sir.
Q Have you any children? A Yes sir, one.
Q What is its name? A Alice.
Q How old is it? A About two years old.
Q Mr. Ward, in which of the two nations do you desire yourself and
children to be enrolled? A Choctaw Nation.
Q In the event that you and your child are enrolled as members of the
Choctaw Nation, do you agree to waive all rights and claims to
citizenship in the Cherokee Nation? A I don't know; have the rest
of them agreed to that.
Q Certainly. You must make your election in one or the other.
Q Commission: Don't you agree to that? If you are enrolled as a Choctaw
to relinquish all your rights in the Cherokee Nation?
A Of course, if I have to.
Q Well, do you? It is your privilege to make your election? now which
one of the two nations do you desire to be enrolled in? A Choctaw.
Q And you relinquish all your rights and claims to the Cherokee Na-
tion? A Yes sir.

Anna Bell, having been first duly sworn, on her oath
states that as stenographer to the Commission to the Five Civilized
Tribes she reported in full all proceedings had in the above entitled
cause on the 12th day of December, 1900, and that the above and fore-
going is a full, true and correct transcript of her stenographic notes
in said cause on said date.

Anna Bell

Subscribed and sworn to before me this 31st day of December, 1900.

Georg L. Emerson
Notary Public.

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw D-370.

Muskogee, Indian Territory, March 1, 1902.

Joseph M. Ward,

Caddo, Indian Territory

You are hereby notified that the application of ~~yourself and~~
~~your wife, Minnie Ward and your minor child, Alice Ward~~

for enrollment as ~~citizens~~ of the Choctaw Nation will be taken
up for final consideration by the Commission to the Five Civil-
ized Tribes, at its office in Muskogee, Indian Territory, on
~~the 9th day of April, 1902.~~

On said date you may, if you desire, appear before the Commis-
sion in person or by attorney when an opportunity will be given
you to introduce any additional testimony affecting said appli-
cation which you may think proper or necessary.

You are further notified that the representatives of the
Choctaw Nation will also, at the same time, be afforded an op-
portunity to introduce testimony affecting ~~your~~ right to en-
rollment, but said representatives will be required to notify
you of their intention to introduce such testimony before they
will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Register.

T. B. Needles.

Commissioner in Charge.

C O P Y

Choctaw 20 INDEXED

IN RE

Application for Enrollment of
INFANT CHILD

Martha Ward
as a citizen of

Choctaw Nation.

Approved OCT 20 1902 190

C. R. Breckinridge,
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

F I L E D

OCT 20 1902

Tams Bixby Acting Chairman.

Choctaw
D 370

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Martha Ward, born on the 3rd day of Sep't, 1902
(Here insert name of child.)
Name of Father: J. M. Ward a citizen of the Choctaw Nation.
Name of Mother: Minnie Ward a citizen of the Choctaw Nation.
Post-office Caddo I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, Minnie Ward, on oath state that I am 27
years of age and a citizen, by Marriage, of the Choctaw Nation;
that I am the lawful wife of J. M. Ward, who is a citizen, by
Blood, of the Choctaw Nation; that a female child was
(male or female.)
born to me on 3rd day of Sep't, 1902; that said child has been
named Martha Ward, and is now living.

WITNESSES TO MARK:

Minnie Ward

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 15th day of Oct 1902 190

((SEAL))

J. L. Rappolee

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District,

I, Mary Head, a acting midwife on oath state that I
attended on Mrs. Minnie Ward, wife of J. M. Ward
on the 3rd day of Sep't, 1902; that there was born to her on
said date a female child; that said child is now living and is said to have been
(male or female.)
named Martha Ward.

WITNESSES TO MARK:

Mary Head

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 15th day of Oct 1902 190

((SEAL))

J. L. Rappolee

NOTARY PUBLIC.

IN RE

Application for Enrollment of

INFANT CHILD

as a citizen of

.....Nation.

Approved 190.....

.....
Commissioner.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
 of Alice Ward, born on the 24th day of Jany, 1899
(Here insert name of child.)
 Name of Father: Joe M. Ward a citizen of the Choctaw Nation.
 Name of Mother: Minnie Ward a citizen of the Choctaw Nation.
 Post-office Caddo I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,
Cent District.

I, Minnie Ward, on oath state that I am 23
 years of age and a citizen, by marriage, of the Choctaw Nation;
 that I am the lawful wife of J.M. Ward, who is a citizen, by
blood, of the Choctaw Nation; that a girl child was
(male or female.)
 born to me on Jany 24th day of Jany, 1899; that said child has been
 named Alice Ward, and is now living.

WITNESSES TO MARK:

Minnie Ward

(Must be Two Witnesses.)

Subscribed and sworn to before me this 24th day of August, 1899
 1900

Seal

W.H. Bates

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,
 District,

I, LeRoy Long, a Physician, on oath state that I
 attended on Mrs. Minnie Ward, wife of J.M.
 on the 24th day of January, 1899; that there was born to her on
 said date a female child; that said child is now living and is said to have been
(male or female.)
 named Alice.

WITNESSES TO MARK:

LeRoy Long M.D.

(Must be Two Witnesses.)

Subscribed and sworn to before me this 22d day of August, 1899
 1900

Seal

W.H. Bates

NOTARY PUBLIC.

70370

No. 172

CERTIFICATE OF RECORD OF MARRIAGES

UNITED STATES OF AMERICA

The Indian Territory

CENTRAL DISTRICT

} SCT.

I, E. J. FANNIN, Clerk of the United States Court in the Indian Territory and District aforesaid.

DO HEREBY CERTIFY that the License for and Certificate of the Marriage of

Mr

J. M. Hard

and

Miss

Miss Minnie Head

were filed in my office in said Territory and District the 25 day of April A. D., 1898 and duly recorded in Book of Marriage Record page 86

WITNESS my hand and seal of said Court, at

Altoona

this

25

day of

April

A. D.,

1898

By

E. J. Fannin

E. J. FANNIN, Clerk.

Deputy

Marriage License

UNITED STATES OF AMERICA

The Indian Territory
Central District

SS.

To Any Person Authorized By Law to
Solemnize Marriage—Greeting.

You are hereby commanded to solemnize the
Rite and publish the Bans of Matrimony between
Mr J M Ward of *Caddo*
in the Indian Territory, aged *— 23 —* years, and
Miss Minnie Head of *Caddo*
in the Indian Territory, aged *— 27 —* years,
according to law and do you officially sign and return this
License to the parties therein named.

WITNESS My hand and Official Seal, this *23* day of *April* A. D. 189*8*

D. M. Roth
Deputy

J. F. Samson
Clerk of the U. S. Court

CERTIFICATE OF MARRIAGE

UNITED STATES OF AMERICA

Indian Territory
Central District

SS.

C. A. Lovelace

DO HEREBY CERTIFY, That on the

A. D. 189*8*, I did duly and according to law, as commanded in the foregoing

License, solemnize the Rite and publish the Bans of Matrimony between the parties therein named.

WITNESS my hand this *24th* day of *April* A. D. 189*8*

My credentials are recorded in the office of the Clerk of the United States Court, in the Indian
Territory, Central District, Book *13* Page *60*

Minister of the Gospel
24th day of *April*

C. A. Lovelace

Minister of the Gospel

NOTE: This License and Certificate of Marriage must be returned to the Office of the Clerk of the
United States Court of the Indian Territory, from whence it was issued, within sixty days from the date there-
of or the party to whom the License was issued will be liable in the amount of One Hundred Dollars (\$100).

Department of the Interior.
Commission to the Five Civilized Tribes.

In the matter of the application of Joseph M. Ward for the enrollment of himself and his minor child, Alice Ward, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Minnie Ward, as an intermarried citizen of the Choctaw Nation.

---D 370---

On the first day of March, 1902, the principal applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail that the application of Joseph M. Ward, Minnie Ward, and Alice Ward for enrollment as citizens of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 9th day of April, 1902, for final consideration.

Now, on this 9th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation appeared by its attorneys, Mansfield, McMurray & Cornish, and the applicants appeared by their attorney, J. G. Ralls, and this case was submitted upon the record.

By the Commission: This case will be considered by the Commission upon the record and evidence as now made up.

Harry G. Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 9th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry G. Risteen

Subscribed and sworn to before me this 11th day of April, 1902.

Charles M. Hullwood
Notary Public

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I. T., November 21st, 1902.

Choctaw D-370
Intermarried

In the matter of the application of Minnie Ward for enrollment as an intermarried citizen of the Choctaw Nation.

Minnie Ward being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Minnie Ward.
Q How old are you? A Twenty-seven years old.
Q What is your post office address? A Caddo.
Q How long have you been a resident of the Choctaw Nation?
A About - - nearly eight years.
Q Have you lived here continuously for the past eight years?
A Yes sir, nearly eight years.
Q Never made your home anywhere else during that time? A No sir.
Q Do you claim intermarried rights in the Choctaw Nation?
A Yes sir.
Q What is the name of your Choctaw husband through whom you claim those rights? A J. M. Ward, or Joe Ward.
Q Is he a recognized citizen of the Choctaw Nation? A Yes sir.
Q When were you married to J. M. Ward? A In April, '98.
Q Where was this marriage ceremony performed? A Here in Atoka.
Q At that time were both you and your husband bona fide residents of the Choctaw Nation? A Yes sir.
Q Did you procure a marriage license? A Yes sir.
Q Where did you get the license? A He went to Atoka for them from Caddo.
Q Was it a United States license or a tribal license? A United States license I think it was.
Q Who performed the marriage ceremony? A P. A. Loveless, Baptist minister.
Q Was he a minister of the gospel? A Yes sir.
Q Were you ever married before your marriage to Joseph M. Ward?
A No sir.
Q Was he ever married before his marriage to you? A No sir.
Q Since that marriage have you lived together continuously as husband and wife up to the present time? A Yes sir.
Q There has been no separation, abandonment or divorce? A None whatever.
Q Are you at present living together as bona fide residents of the Choctaw Nation? A Yes sir.

Minnie Ward

Albert G. Williams being first duly sworn deposes that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 11th day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. Williams

Subscribed and sworn to before me this 15 day of January, 1903.

Charles H. Sawyer
Notary Public.

W. J. X

IN RE

Application for Enrollment of
INFANT CHILD.

Alice Ward

As a citizen of the

United States

Nation.

Approved..... 1.....

Commissioner.

72370

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
 of Alice Ward, born on the 24th day of January, 1899.
 Name of father: Geo. M. Ward, a citizen of the Choctaw Nation.
 Name of mother: Minnie Ward, a citizen of the Choctaw Nation.
 Post Office: Kadoke, La.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,
Choctaw District.

I, Minnie Ward, on oath, state that I am 23 years of age and a
 citizen, by Marriage, of the Choctaw Nation; that I am the
 lawful wife of J. M. Ward who is a citizen, by Blood, of the
Choctaw Nation; that a Girl child was born to me on the 24th day
 of January, 1899; that said child has been named Alice Ward,
 and is now living.

Minnie Ward.

Subscribed and sworn to before me this 24th day of August, 1899.

W. H. Bates

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,
Choctaw District.

I, Le Roy Lang, a Physician, on oath, state that I
 attended on Mrs. Minnie Ward, wife of J. M. Ward
 on the 24th day of January, 1899; that there was born to her on said date a female child;
 that said child is now living and is said to have been named Alice.

Le Roy Lang, M.D.

Subscribed and sworn to before me this 22^d day of August, 1899.

W. H. Bates

Notary Public.

JOB

7 - D - 370

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Joseph M. Ward and his two minor children, Alice Ward and Martha Ward, as citizens by blood, and of his wife, Minnie Ward, as a citizen by intermarriage of the Choctaw Nation.

DECISION.

It appears from the record in this case that Joseph M. Ward made application to this Commission at Caddo, Indian Territory, on August 25, 1899, for the enrollment of himself and his minor child, Alice Ward, born January 24, 1899, as citizens by blood, and of his wife, Minnie Ward, as a citizen by intermarriage of the Choctaw Nation; and that on October 15, 1902; written application was made for the enrollment as a citizen by blood of the Choctaw Nation of Martha Ward, born September 30, 1902, infant child of said Joseph M. Ward and Minnie Ward. Further proceedings were had in the matter of this application at Atoka, Indian Territory, on December 12, 1900; at Muskogee, Indian Territory, on April 9, 1902; and at Atoka, Indian Territory, on November 21, 1902.

An examination of the tribal rolls of the Choctaw Nation in the possession of the Commission shows that the name of the said Joseph M. Ward appears on the 1893 Choctaw Leased District Payment roll, Blue County, page 114, number 1165, as an enrolled citizen by blood of the Choctaw Nation; and that the name of said Joseph M. Ward also appears on the 1896 Census roll of the Choctaw Nation, number 13873, as a citizen by blood of said Nation. The applicants, Alice Ward and Martha Ward, having been born subsequent to the preparation of said 1896 Census roll of the Choctaw Nation, are identified by proper proofs of birth.

The record herein also shows that said Minnie Ward, (nee Head), on April 24, 1898, was lawfully married to the said Joseph M. Ward, then a resident of the Choctaw Nation; that they have lived together continuously in the Choctaw Nation, Indian Territory, as husband and wife, from the date of said marriage up to and including September 25, 1902, and that the other applicants herein are the offspring of said marriage.

It further appears from the record herein that Joseph M. Ward, the principal applicant herein, is the son of William G. Ward, a recognized and enrolled citizen by blood of the Choctaw Nation, and of Eliza Ward, a citizen by blood of the Cherokee Nation; and that said Joseph M. Ward appeared before the Commission at Atoka, Indian Territory, on December 12, 1900, and under the provisions of said section twenty-one of said act of Congress elected for himself and his said minor child, Alice Ward, to be finally enrolled as citizens by blood of the Choctaw Nation, and to take allotment of lands and distribution of moneys in said nation.

Joseph M. Ward, et al., - 2.

It is, therefore, the opinion of this Commission that Joseph M. Ward, Alice Ward and Martha Ward should be enrolled as citizens by blood of the Choctaw Nation, and that Minnie Ward should be enrolled as a citizen by intermarriage of the Choctaw Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

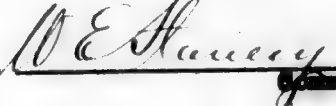
Muskogee, Indian Territory,

JUL 20 1903


Chairman.


Commissioner.


Commissioner.


Commissioner.

COPY.

Chester D-576.

Muskogee, Indian Territory, July 20, 1903.

Joseph M. Ward,
Caddo, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission, rendered July 20, 1903, granting your application for the enrollment of yourself and your two minor children, Alice and Martha Ward, as citizens by blood, and of your wife, Minnie Ward, as a citizen by intermarriage of the Chester Nation.

The attorneys for the Chester and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you, your wife, Minnie Ward, and your minor children, Alice and Martha Ward, as citizens of the Chester Nation. If at the expiration of that time no protest has been filed, your names will be placed upon the final rolls of the citizens of the Chester Nation, to be submitted to the Secretary of the Interior for his approval.

Respectfully,
Yours,

J. B. Needles.

Commissioner in Charge.

COPY.

Shoston D-570.

Washoe, Indian Territory, July 20, 1903.

Hausfield, McMurray & Cornish,
Attorneys for Cheatew and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered July 20, 1903, granting the application of Joseph H. Ward for the enrollment of himself and his two minor children, Alice and Martha Ward, as citizens by blood, and of his wife, Minnie Ward, as a citizen by intermarriage of the Cheatew Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Cheatew Nation. If at the expiration of that time no protest has been filed, the names of the applicants will be placed upon the final rolls of the citizens of the Cheatew Nation, to be submitted to the Secretary of the Interior for his approval.

Respectfully,
(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

Enc. ALI. 4.

Cherokee, Indian Territory, September 18, 1900,

Joseph H. Ward,

Cherokee, Indian Territory.

Dear Sir:-

Since replying you on August 18, 1900, of the protest filed by the Cherokee Nation to your enrollment as a citizen of the Cherokee Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The question raised, is as to your Cherokee blood.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at itoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Cherokee Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

7-D-570.

Muskogee, Indian Territory, October 20, 1902.

J.M. Ward,

Oado, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for enrollment as a citizen of the Choctaw Nation of Martha Ward, infant daughter of J.M. and Minnie Ward, born September 3, 1902; and the same being in proper form has been duly filed with the records of the Commission as evidence of the birth of the above named child.

Respectfully,

Acting Chairman.

Chester D 368
Chester D 370
Chester D 371

Muskogee, Indian Territory, April 18, 1905.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 15, relative to the enrollment of the children of W. G. Ward and his wife, Eliza Ward.

In reply to your letter you are advised that the Commission has not yet reached these cases for consideration and determination, but the same will be taken up as early as possible, and as soon as decisions are rendered the applicants will be notified of the action of the Commission.

Respectfully,

Chairman.

Mustogee, Indian Territory,

August 18th, 1900.

Joseph A. Ward,

Adato, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Corrish, has filed with this Commission a notice of protest to your enrollment and the enrollment of Vinnie and Alice Ward as citizens of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Sincerely,

Acting Chairman.

7-D-370.

Choctaw D. 370

Muskegee, Indian Territory, May 18, 1903.

Joseph M. Ward,
Caddo, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 5th, in which you ask the status of yourself and children as citizens of the Choctaw Nation.

In reply to your letter you are informed that it appears from our record that Joseph M. Ward and his children Minnie, Alice and Martha Ward have been listed among the doubtful claimants to enrollment as citizens by blood of the Choctaw Nation; it further appears that his wife Mary Ward has been listed among the doubtful claimants to enrollment as an intermarried citizen of the Choctaw Nation but their final rights to such enrollment have not yet been determined. As soon as a decision is rendered in this case you will be notified.

Respectfully,

Chairman.

Choctaw D 370

Muskogee, Indian Territory, June 3, 1903.

Joseph M. Ward,
Caddo, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 26, stating that your wife's name is Minnie Ward and that the names of your two children are Alice and Martha Ward.

In reply to your letter you are informed that it appears from our records that Joseph M. Ward and his two minor children, Alice and Martha Ward, have been listed among the doubtful claimants to enrollment as citizens by blood of the Choctaw Nation and that Minnie Ward, wife of Joseph M. Ward, has been listed among the doubtful claimants to enrollment as an intermarried citizen of the Choctaw Nation. As soon as a decision is reached in this case you will be notified of the action of the Commission.

You are further informed that our previous letter giving the names of Joseph M. Ward's children as Minnie, Alice and Martha Ward, and his wife as Mary Ward, was in error.

Respectfully,

Commissioner in Charge.

Chester D-378.

COPY.

Muskogee, Indian Territory, July 20, 1903.

Joseph M. Ward,
Cade, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission, rendered July 20, 1903, granting your application for the enrollment of yourself and your two minor children, Alice and Martha Ward, as citizens by blood, and of your wife, Minnie Ward, as a citizen by intermarriage of the Cheateau Nation.

The attorneys for the Cheateau and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you, your wife, Minnie Ward, and your minor children, Alice and Martha Ward, as citizens of the Cheateau Nation. If at the expiration of that time no protest has been filed, your names will be placed upon the final rolls of the citizens of the Cheateau Nation, to be submitted to the Secretary of the Interior for his approval.

Respectfully,
(SIGNED).

I. D. Needles.

Commissioner in Charge.

Registered.
July 22, 1903.

COPY.

Choctaw B-370.

Muskogee, Indian Territory, July 20, 1903.

Mansfield, Melhurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered July 20, 1903, granting the application of Joseph M. Ward for the enrollment of himself and his two minor children, Alice and Martha Ward, as citizens by blood, and of his wife, Minnie Ward, as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time no protest has been filed, the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation, to be submitted to the Secretary of the Interior for his approval.

Respectfully,
(SIGNED).

T. B. Needles.

Commissioner in Charge.

Registered.

Enc. ALI. 6.

all Mr

MEMORANDA.

(Date) *Aug 25* 1899.

Name *Joseph M. Ward*

Choctaw? *yes* County *Blue* Year *96* No. *13823*

Chickasaw? County Year Page *364*

Citizen by blood? *yes* Mother's citizenship *Cherokee*

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name, *Minnie Ward*

Choctaw? *yes* County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship *us*

Intermarried citizen? *yes*

Married under what law? *Choc*

License filed this day *yes*

Names of children:

<i>mo</i> <i>Alice Ward</i>	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

mother, Eliza Ward, a Cherokee - see her enrollment with husband William G. Ward.

1370

Census Card No. 5678.

C. L. ELLIS
Dist. Supt. in Charge.

BY Ed. Turk CLERK
IN CHARGE Choctaw RECORD
DATE 3-9-29

Four Devices: Caddy, I.T.

Other Productive Freedoms

Field No. 5678

NAME	Relation to Head of Family	AGE	SEX	BLOOD	TRIBAL ENROLLMENT		TRIBAL ENROLLMENT OF PARENTS						
					Year	County	No.	Name of Father	Year	County	Name of Mother	Year	County
March Joseph M. 25		28	M	1/2	1898	Blue	12972	Wm B. Ward		Blue	Edgar Ward		Clinton
" Minnie 29		27	F	1/2				Marion Ward		Noncitizen	Mary Ward		
" Alice 4		4	F	1/4				No 1			No 2		
" Martha 1		1	F	1/4				No 1			No 2		

Choctaw 5679

5679

Transferred from Chickasaw #1400

8-6-03

9-1400.

Muskogee, Indian Territory, December 23, 1902.

Mrs. Ida Green,

Redoak, Indian Territory.

Dear Madam:-

You are hereby advised that you will be allowed until January 15, 1903, to personally appear before this Commission at its office in Muskogee, Indian Territory, and elect for yourself and your son, Robert Green, to be finally enrolled by this Commission as citizens of either the Choctaw or the Chickasaw Nation, under the following provision of the act of Congress of June 28, 1898:

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided and there be given such allotment and distributions, and not elsewhere."

Respectfully,

Acting Chairman.

9-1400.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Ida Green and her minor child, Robert Green, as citizens by blood
of the Choctaw Nation.

--: D E C I S I O N :--

On an examination of the tribal rolls in the possession
of the Commission the name of the applicant, Ida Green, is found
upon the 1896 Chickasaw Census roll, page 71, and also upon the 1896
Choctaw Census roll, number 2164, on each roll as a citizen by blood.
The applicant, Robert Green, having been born subsequent to the pre-
paration of said tribal rolls, is identified by proper proof of birth
filed with and made a part of the record in this case.

The record herein further shows that on December 23, 1902,
the applicant, Ida Green, was notified that she would be allowed
until January 15, 1903, to personally appear before this Commission
at its office in Muskogee, Indian Territory, and elect for herself
and the applicant, Robert Green, to be finally enrolled by this Com-
mission as citizens of either the Choctaw or Chickasaw Nation, under
the following provision of the act of Congress approved June 28, 1898
(30 Stat., 495):

"The several tribes may, by agreement, determine the
right of persons who for any reason may claim citizenship
in two or more tribes, and to allotment of lands and dis-
tribution of moneys belonging to each tribe; but if no such
agreement be made, then such claimant shall be entitled to
such rights in one tribe only, and may elect in which tribe
he will take such right; but if he fail or refuse to make
such selection in due time, he shall be enrolled in the tribe
with whom he has resided, and there be given such allotment
and distributions, and not elsewhere."

a copy of which notice is attached hereto and made a part of the
record in this case. No response to said notice has been made by
or on behalf of either of the applicants.

It further appears that the applicants herein were both
residents in good faith of Indian Territory on June 28, 1898, all
applicants listed upon census cards having been first examined as
to such fact, although their testimony was not reduced to writing.

The records of the Commission further show that on March
21, 1899, when application was made to the Commission for the en-
rollment of these applicants, they were residents of the Choctaw
Nation and have continued so to reside.

2.

It is, therefore, the opinion of this Commission that Ida Green and Robert Green should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Chairman.


Commissioner.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

JUL 21 1903

Chickasaw-1400.

COPY.

Muskogee, Indian Territory, July 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered July 21, 1903, granting the application of Ida Green and Robert Green for enrollment as citizens by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time no protest has been filed, the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

Enc. Mh 2-21.

9-1400.

COPY.

Muskogee, Indian Territory, July 21, 1903.

Ida Green,

Redoak, Indian Territory.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission, rendered July 21, 1903, granting the application of Ida Green and Robert Green for enrollment as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time, no protest has been filed, the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

I. B. Needles.
Commissioner in Charge.

Registered.

Enc. No 1-21.

IN RE

Application for Enrollment of

INFANT CHILD

Robert Green

as a citizen of

Chickasaw Nation.

Approved 190.....

Commissioner.

6679

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Chickasaw Nation,
of Robert Green, born on the 6 day of Feb, 1898
(Here insert name of child.)
Name of Father: Morris Green a citizen of the Choctaw Nation.
Name of Mother: Ida Green a citizen of the Chickasaw Nation.
Post-office Red Oak, Choctaw Nation

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, Ida Green, on oath state that I am 23
years of age and a citizen, by birth or blood, of the Chickasaw Nation;
that I am the lawful wife of Morris Green, who is a citizen, by
birth or blood, of the Choctaw Nation; that a child was
(male or female.)
born to me on the 6 day of Feb, 1898; that said child has been
named Robert Green, and is now living.

WITNESSES TO MARK:

(Must be Two
Witnesses.)
Seal

Subscribed and sworn to before me this 23 day of March, 1899
W. W. Ish
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, Sillie Loman, a midwife, on oath state that I
attended on Mrs. Ida Green, wife of Morris Green
on the 6 day of Feb, 1898; that there was born to her on
said date a boy child; that said child is now living and is said to have been
named Robert Green.

WITNESSES TO MARK:

(Must be Two
Witnesses.)
Seal

Subscribed and sworn to before me this 23 day of March, 1899
W. W. Ish
NOTARY PUBLIC.

1400

IN RE

Application for Enrollment of

INFANT CHILD.

Robert Green

As a citizen of the

Chickasaw Nation.

Approved 1899.

Commissioner.

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Chickasaw Nation,
of Robert Green, born on the 9 day of Feb, 1898
Name of father: Morrice Green, a citizen of the Chickasaw Nation.
Name of mother: Ida Green, a citizen of the Chickasaw Nation.
Post Office: Red Oak Choctaw Nation

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, Ida Green, on oath, state that I am 23 years of age and a
citizen, by birth blood, of the Chickasaw Nation; that I am the
lawful wife of Morrice Green who is a citizen, by birth blood, of the
Choctaw Nation; that a child was born to me on the 9 day
of Feb, 1898; that said child has been named Robert Green,
and is now living.

Ida Green

Subscribed and sworn to before me this 23 day of March, 1899.

W - W - Ich

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, Sillin Laman, a midwife, on oath, state that I
attended on Mrs. Ida Green, wife of Morrice Green
on the 9 day of Feb, 1898; that there was born to her on said date a boy child;
that said child is now living and is said to have been named Robert Green.

Sillin Laman

Subscribed and sworn to before me this 23 day of March, 1899.

W - W - Ich

Notary Public.

Chesley 2205
Chickasaw 1400.

Muskogee, Indian Territory, March 24, 1902.

Morris Green,

Red Oak, Indian Territory,

Dear Sir:

Kindly advise the Commission the name of your present wife, and the names of your children. This information is desired in the matter of the enrollment of yourself and your family. There is inclosed you herewith an envelope for reply which requires no postage. Your prompt attention to this matter is requested.

Yours truly,

Commissioner in Charge.

Enc.

Chickasaw 1400 ✓
Choctaw 2389

Muskogee, Indian Territory, June 16, 1902.

Morris Green,

Red Oak, Indian Territory,

Dear Sir:

On March 24, 1902, a letter was addressed to you requesting that you give the name of your present wife and the names of your children, and advising that the information was desired in the matter of the enrollment of yourself and your family. To this letter no reply has yet been received. Kindly give this matter immediate attention and let us have the information asked for at an early date.

Yours truly,

RECEIVED
JUL 24 1908

Mustang, Indian Territory, July 24, 1908.

Morris Green,

Red Oak, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 24th instant, in reply to our request of June 18, 1908, relative to your present wife and the names of your children. The information contained therein has been duly filed with our records in the matter of the application for the enrollment of yourself and your family.

Yours truly,

Commissioner in Charge.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

9-1400.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 23, 1902.

Mrs. Ida Green,

Redoak, Indian Territory.

Dear Madam:-

You are hereby advised that you will be allowed until January 15, 1903, to personally appear before this Commission at its office in Muskogee, Indian Territory, and elect for yourself and your son, Robert Green, to be finally enrolled by this Commission as citizens of either the Choctaw or the Chickasaw Nation, under the following provision of the act of Congress of June 28, 1898;

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of monies belonging to each tribe; but if no such agreement be made, then such claimant shall be enrolled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

Respectfully,

Acting Chairman.

7-5679

Muskogee, Indian Territory, September 17, 1903.

Morris Green,

c/o W. W. Ish,

Red Oak, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 4th instant, stating that your wife, Ida Green, and yourself are no longer living together as husband and wife, that your minor child, Robert Green, is with you and you desire that he be enrolled with you as a citizen of the Choctaw Nation.

You are informed it appears from our records that Ida Green and her minor son, Robert, have been enrolled by this Commission as citizens by blood of the Choctaw Nation and their names placed upon a schedule of citizens by blood of that Nation to be submitted to the Secretary of the Interior for approval.

Respectfully,

Chairman.

Choctaw 5680
Lula Parshall

Transferred from Chickasaw card #1431
8-15-03

5680

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----:-----

Record in the matter of the application for the enrollment as a
citizen by blood of the Choctaw Nation of--

LULA PARSHALL, 9-1431.

-----:-----

9-1431.

Muskogee, Indian Territory, December 23, 1902.

Lula Parrshall,

Grant, Indian Territory.

Dear Madam:-

You are hereby advised that you will be allowed until January 15, 1903, to personally appear before this Commission at its office in Muskogee, Indian Territory, and elect to be finally enrolled by this Commission as a citizen of either the Choctaw or the Chickasaw Nation, under the following provision of the act of Congress of June 20, 1898:

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be enrolled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

Respectfully,

(SIGNED)

Tams Bixby.

Acting Chairman.

J.R.B. 9-1431.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----:-----

In the matter of the application for the enrollment of
Lula Parshall as a citizen by blood of the Choctaw Nation.

--: D E C I S I O N :--

An examination of the tribal rolls in the possession of
the Commission shows that the name of the applicant is found upon
the 1896 Chickasaw Census roll, page 96, and also upon the 1896
Choctaw Census roll, number 10458, on each roll as a citizen by
blood.

The applicant herein was notified on December 23, 1902,
that she would be allowed until January 15, 1903, to appear in per-
son before the Commission at its office in Muskogee, Indian Terri-
tory, and elect to be finally enrolled as a citizen of either the
Choctaw or Chickasaw Nation, under the following provision of the
act of Congress approved June 28, 1898 (30 Stat., 495):

"The several tribes may, by agreement, determine the
right of persons who for any reason may claim citizenship
in two or more tribes, and to allotment of lands and dis-
tribution of moneys belonging to each tribe; but if no such
agreement be made, then such claimant shall be entitled to
such rights in one tribe only, and may elect in which tribe
he will take such right; but if he fail or refuse to make
such selection in due time, he shall be enrolled in the tribe
with whom he has resided and there be given such allotment
and distributions, and not elsewhere.",
a copy of which notice is attached hereto and made a part of the
record in this case. No response has been made to such notice by
or on behalf of the applicant.

It further appears that the applicant herein was a resi-
dent in good faith of Indian Territory on June 28, 1898, all appli-
cants listed upon census cards having been first examined as to such
fact, although their testimony was not reduced to writing.

It further appears from the records of the Commission that
on May 19, 1899, the date when application was made to this Commis-
sion for the enrollment of the said Lula Parshall, she was a resi-
dent of the Choctaw Nation and has continued so to reside.


It is, therefore the opinion of this Commission that
Lula Parshall should be enrolled as a citizen by blood of the Choctaw
Nation, under the provisions of section 21 of the act of Congress ap-

2.

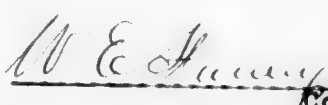
proved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Chairman.


Commissioner.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

JUL 30 1898.

Chickasaw 1431

COPY.

Langston, Indian Territory, July 30, 1903.

Lula Parrish,
Grant, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission, rendered July 28, 1903, granting your application for enrollment as a citizen in blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

I. B. Needles.

Commissioner in Charge.

Registered.

Enc MYC 37/30

Chickasaw 1432

COPY:

Muskogee, Indian Territory, July 30, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered July 30, 1903, granting the application of Lula Parrshall for enrollment as a citizen by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed the name of the applicant will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(S)

T. B. Needles.

Commissioner in Charge.

Registered.

Enc NYU 32/20

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

9-1431.

Muskogee, Indian Territory, December 23, 1902.

Lula Parshall,
Grant, Indian Territory.

Dear Madam:-

You are hereby advised that you will be allowed until January 15, 1903, to personally appear before this Commission at its office in Muskogee, Indian Territory, and elect to be finally enrolled by this Commission as a citizen of either the Choctaw or the Chickasaw Nation, under the following provision of the act of Congress of June 28, 1898:

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be enrolled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

Respectfully,



Acting Chairman.

7-5400

Muskogee, Indian Territory, August 17, 1903.

Commissioner in Charge,
Chickasaw Land Office,
Tishomingo, Indian Territory.

Dear Sir:

You are hereby advised that the following notation has
this day been made upon original Chickasaw enrollment card, No. 1431:

"Canceled and transferred to Chectaw card No. 5580.
See decision of July 30, 1903. Aug. 15, 1903."

You are therefore, requested to make like notation upon
the duplicate card in your possession in accordance with the above
information.

Respectfully,

Commissioner in Charge.

9-5680
7-5680

Muskogee, Indian Territory, August 17, 1903.

Commissioner in Charge,
Choctaw Land Office,
Atoka, Indian Territory.

Dear Sir:

You are hereby advised that the following notation has
this day been made upon original Chickasaw enrollment card, No. 1431:

"Canceled and transferred to Choctaw card No. 5680.
See decision of July 30, 1903. Aug. 15, 1903."

You are therefore, requested to make like notation upon
the duplicate card in your possession in accordance with the above
information.

Respectfully,

Commissioner in Charge.

Choctaw 5681
Robert Williams

Transferred from Chickasaw #32

8-15-03

5681

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

))))))):(((((((

record in the matter of the application for the enrollment as a citizen by blood of the Choctaw Nation of

ROBERT WILLIAMS, 9-32.

))))):((((((

COPY.

Muskogee, Indian Territory, December 19, 1902.

Robert Williams,

Allen, Indian Territory.

Dear Sir:-

It appears from the records of the Commission that your name is found upon the 1896 Choctaw census roll and also upon the 1896 Chickasaw census roll, and it would therefore appear that you have been recognized as a citizen of both the Choctaw and Chickasaw Nations in Indian Territory. In this connection your attention is invited to the following provision of the act of Congress of June 28, 1898:

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to the tribes; but if no such agreement be made, then such claimant shall be enrolled to such rights in one tribe only, and may select in which tribe he will take such rights; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

You are hereby notified that you will be allowed until January 15, 1903 within which to personally appear before this Commission, at its office in Muskogee, Indian Territory, and elect to be finally enrolled by this Commission as a citizen of either the Choctaw or Chickasaw Nations.

R.V. 2.

In case you do not within the time specified make this appearance and election you will be enrolled as a citizen of that Nation in which you reside.

Respectfully,

(SIGNED)

Tams Bixby.

Acting Chairman.

9-32.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----:-----
In the matter of the application for the enrollment of
Robert Williams as a citizen by blood of the Choctaw Nation.

--: D E C I S I O N :--

An examination of the tribal rolls in the possession of the Commission shows that the name of the applicant, Robert Williams, is found upon the 1893 Chickasaw Leased District Payment roll, number 2, on page 225, and also upon the 1896 Choctaw Census roll, number 14028, on each roll as a citizen by blood.

The record herein further shows that on December 19, 1902, the applicant was notified that he would be allowed until January 15, 1903, to personally appear before this Commission at its office in Muskogee, Indian Territory, and elect to be finally enrolled by this Commission as a citizen of either the Choctaw or Chickasaw Nation, under the following provision of the act of Congress approved June 28, 1898 (30 Stat., 495):

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

a copy of which notice is attached hereto and made a part of the record in this case. No response to such notice has been made by or on behalf of the applicant.

It further appears that the applicant was a resident in good faith of Indian Territory on June 28, 1898, all applicants listed upon census cards having been first examined as to such fact, although their testimony was not reduced to writing.

It also appears from the records of the Commission that in the year 1898, when application was made to the Commission for the enrollment of this applicant, he was a resident of the Choctaw Nation and has continued so to reside.

It is, therefore, the opinion of this Commission that Robert Williams should be enrolled as a citizen by blood of the Choctaw Nation, under the provisions of section 21 of the act of

Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Chairman.


Commissioner.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

JUL 30 1903

Chickasaw 32

COPY,

Muskogee, Indian Territory, July 30, 1903.

Robert Williams,

Allen, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission, rendered July 30, 1903, granting your application for enrollment as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED:

T. B. Needles

Commissioner in Charge.

Registers.

See NYC 21/22

Chickasaw 38

COPY.

Muskogee, Indian Territory, July 30, 1903.

Mansfield, Mc Murray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered July 30, 1903, granting the application of Robert Williams for enrollment as a citizen by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed the name of the applicant will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

T. B. Needles

Commissioner in Charge.

Registered.

Enc. MTC 52/30

JPB
COPY:

9-32.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----:-----

In the matter of the application for the enrollment of
Robert Williams as a citizen by blood of the Choctaw Nation.

--: D E C I S I O N :--

An examination of the tribal rolls in the possession of the Commission shows that the name of the applicant, Robert Williams, is found upon the 1893 Chickasaw Leased District Payment roll, number 2, on page 225, and also upon the 1896 Choctaw Census roll, number 14028, on each roll as a citizen by blood.

The record herein further shows that on December 19, 1902, the applicant was notified that he would be allowed until January 15, 1903, to personally appear before this Commission at its office in Muskogee, Indian Territory, and elect to be finally enrolled by this Commission as a citizen of either the Choctaw or Chickasaw Nation, under the following provision of the act of Congress approved June 28, 1898 (30 Stat., 495):

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

a copy of which notice is attached hereto and made a part of the record in this case. No response to such notice has been made by or on behalf of the applicant.

It further appears that the applicant was a resident in good faith of Indian Territory on June 28, 1898, all applicants listed upon census cards having been first examined as to such fact, although their testimony was not reduced to writing.

It also appears from the records of the Commission that in the year 1898, when application was made to the Commission for the enrollment of this applicant, he was a resident of the Choctaw Nation and has continued so to reside.

It is, therefore, the opinion of this Commission that Robert Williams should be enrolled as a citizen by blood of the Choctaw Nation, under the provisions of section 21 of the act of

8
Congress approved June 23, 1898 (30 Stat., 490), and it is so
ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED)

Tams Bixby.

Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

(SIGNED)

W. E. Stanley.

Commissioner.

Muskogee, Indian Territory,

JUL 30 1903

COMMISSIONERS:
HENRY L. DAWES,
TAMM DIXIEY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

9-32.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 19, 1902.

Robert Williams,

Allen, Indian Territory.

Dear Sir:-

It appears from the records of the Commission that your name is found upon the 1896 Choctaw census roll and also upon the 1896 Chickasaw census roll, and it would therefore appear that you have been recognized as a citizen of both the Choctaw and Chickasaw Nations in Indian Territory. In this connection your attention is invited to the following provision of the act of Congress of June 28, 1898:

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to the tribe; but if no such agreement be made, then such claimant shall be enrolled to such rights in one tribe only, and may select in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

You are hereby notified that you will be allowed until January 15, 1903 within which to personally appear before this Commission, at its office in Muskogee, Indian Territory, and elect to be finally enrolled by this Commission as a citizen of either the Choctaw or Chickasaw Nations.

R.W. 2.

In case you do not within the time specified make this appearance and election you will be enrolled as a citizen of that Nation in which you reside.

Respectfully,



Commissioner in Charge.
~~Acting Chairman.~~

7-5681

Muskogee, Indian Territory, August 17, 1903.

Commissioner in Charge,
Chickasaw Land Office,
Tishomingo, Indian Territory.

Dear Sir:

You are hereby advised that the following notation has
this day been made upon original Chickasaw enrollment card No. 32:

"Canceled and transferred to Choctaw card No. 5681
Aug. 15, 1903."

You are therefore, requested to make like notation upon
the duplicate card in your possession in accordance with the above
information.

Respectfully,

Commissioner in Charge.

7-5681

Muskogee, Indian Territory, August 17, 1903.

Commissioner in Charge,
Choctaw Land Office,
Atoka, Indian Territory.

Dear Sir:

You are hereby advised that the following notation has
this day been made upon original Chickasaw enrollment card, No. 32:

"Canceled and transferred to Choctaw card No. 5681
Aug. 18, 1903."

You are therefore, requested to make like notation upon
the duplicate card in your possession in accordance with the above
information.

Respectfully,

Commissioner in Charge.

Choctaw 8681

Muskogee, Indian Territory, April 28, 1904.

Robert Williams,

Norman, Oklahoma,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 17, in which you state that you are a Chickasaw Indian by blood and were enrolled as a Chickasaw in 1896, but that the Commission has placed you on the Choctaw roll through error, as your mother and brother have been enrolled as Chickasaws.

In reply to your letter you are advised that it appears from our records that you were enrolled on the 1896 census roll of citizens by blood of the Choctaw nation and that you drew the 1898 leased District payment as a Chickasaw. You were, therefore, on December 19, 1902, notified to appear and elect whether you would be enrolled as a citizen of the Choctaw or Chickasaw Nation, and your attention was invited to the following provision of the act of Congress of June 28, 1898:

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to the tribe; but if no such agreement be made, then such claims shall be settled by the Commission, and shall be entitled to such rights in one or the other, and may choose in which tribe he will take such rights; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions and not elsewhere."

R W 2

On July 30, 1903, no such selection having been made by you, the Commission rendered its decision enrolling you as a citizen of the Choctaw Nation, that being the nation in which you resided, and on the same date notice thereof and a copy of said decision was forwarded you by registered mail. No protest to this action of the Commission was made by you, and on October 15, 1903, your enrollment as a citizen of the Choctaw Nation was approved by the Secretary of the Interior.

The Commission cannot, therefore, at this time take any action on an application to have your name transferred to the Chickasaw roll.

Respectfully,

Chairman.

Choctaw 5682

Frances Johnson

5682

Transferred from Chickasaw #1042
8-15-03

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----:-----

Record in the matter of the application for the enrollment as a
citizen by blood of the Choctaw Nation of--

FRANCES JOHNSON, 9-1042.

-----:-----

9-1042.

PY.

Muskogee, Indian Territory, December 23, 1902.

Frances Johnson,

Citra, Indian Territory.

Dear Madam:-

You are hereby advised that you will be allowed until January 15, 1903, to personally appear before this Commission at its office in Muskogee, Indian Territory, and elect to be finally enrolled by this Commission as a citizen of either the Choctaw or the Chickasaw Nation, under the following provision of the act of Congress of June 28, 1898:

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and the allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be enrolled to such rights in one tribe only, and may elect in which tribe he will take such rights; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

Respectfully,

(SIGNED)

Tams Bixby.

Acting Chairman.

9-1042.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----:-----
In the matter of the application for the enrollment of
Frances Johnson as a citizen by blood of the Choctaw Nation.

--: D E C I S I O N :--

On an examination of the tribal rolls in the possession of the Commission it is found that the name of the applicant, Frances Johnson, appears upon the 1893 Chickasaw Leased District Payment roll, number 2, page 122, and also (as Frances Watson) upon the 1896 Choctaw Census roll, number 13999, on each roll as a citizen by blood.

The record herein shows that on December 23, 1902, the applicant was notified that she would be allowed until January 15, 1903, to personally appear before this Commission at its office in Muskogee, Indian Territory, and elect to be finally enrolled by this Commission as a citizen of either the Choctaw or Chickasaw Nation, under the following provision of the act of Congress approved June 28, 1898 (30 Stat., 495):

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

a copy of which notice is attached hereto and made a part of the record in this case. No response has been made to such notice by or on behalf of the applicant.

It further appears that the applicant herein was a resident in good faith of Indian Territory on June 28, 1898, all applicants listed upon census cards having been first examined as to such fact, although their testimony was not reduced to writing.

The records of the Commission further show that on October 5, 1898, when application was made to the Commission for the enrollment of this applicant, she was a resident of the Choctaw Nation and has continued so to reside.

It is, therefore, the opinion of this Commission that Frances Johnson should be enrolled as a citizen by blood of the Choctaw Nation, under the provisions of section 21 of the act of

Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Chairman.


Commissioner.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

JUL 30 1903

COPY.

Chickasaw 1042

Okmulgee, Indian Territory, July 30, 1905.

Frances Johnson,

Okla, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission, rendered July 30, 1903, granting your application for enrollment as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED,

T. B. Needles.

Commissioner in Charge.

Registered.

Enc NYO 38/20

Chickasaw 1042

COPY.

Muskogee, Indian Territory, July 30, 1903.

Winfield, Murray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered July 30, 1903, granting the application of Frances Johnson for enrollment as a citizen by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed the name of the applicant will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

Registered.

Enc MRU 36/30

Choctaw 5002

Maskogee, Indian Territory, September 25, 1902.

Frances Johnson,

Conway, Indian Territory,

Dear madam:

Receipt is hereby acknowledged of your letter of August 28, stating that you have received the notice of the Commission that you have been enrolled as a Choctaw, and stating that you are a Chickasaw and desire to be enrolled as such.

In reply to your letter you are informed that it appears from our records that on December 23, 1902, you were notified that you would be allowed thirty days within which to elect in which nation to be finally enrolled and receive allotment of land, and up to July 30, 1903, the date of the decision of the Commission enrolling you as a citizen by blood of the Choctaw nation, as such election had been made by you or on your behalf. As you are and have been a resident of the Choctaw Nation, you were therefore enrolled by the Commission as a citizen by blood of the Choctaw Nation, under the provisions of the act of Congress of June 26, 1898, and your name is now being placed upon a schedule of such citizens prepared for forwarding to the Secretary of the Interior for approval.

Respectfully,

Choctaw 5682

Muskogee, Indian Territory, September 8, 1903.

Francis Burre,

Lula, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of September 1, asking that your name be transferred from the Choctaw to the Chickasaw roll, and in reply you are advised that from the information contained in your letter it is believed that you are the Frances Johnson, formerly of Citra, Indian Territory, who has been enrolled by the Commission as a citizen by blood of the Choctaw Nation, and no further information can be given in this matter than was given in our letter of September 5, 1903, addressed to Frances Johnson, Lawley, Indian Territory.

Respectfully,

Chairman.

Choctaw 5682

Muskogee, Indian Territory, April 28, 1904.

J. W. Jones,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 18, inclosing the affidavit of Powell Waldon to the effect that Francis Johnson should be enrolled as a citizen by blood of the Chickasaw Nation, and asking that her name be transferred from the Choctaw to the Chickasaw roll.

In reply to your letter you are advised that it appears from our records that Frances Johnson was enrolled on the 1896 census roll of citizens by blood of the Choctaw Nation and on the 1895 Leased District payment roll of the Chickasaw Nation. She was, therefore, on December 23, 1902, notified to appear and elect whether she would be enrolled as a citizen of the Choctaw or Chickasaw Nation, and her attention was invited to the following provision of the act of Congress of June 28, 1898:

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of monies belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions and not elsewhere."

J W J 2

On July 30, 1903, as such selection having been made by Frances Johnson, the Commission rendered its decision enrolling her as a citizen of the Choctaw Nation, that being the nation in which she resided, and on the same notice thereof and copy of said decision were forwarded her by registered mail. No protest to this action of the Commission was made by her, and on October 15, 1903, her enrollment as a citizen by blood of the Choctaw Nation was approved by the Secretary of the Interior.

The Commission cannot, therefore, at this time take any action on an application to have her name transferred to the Chickasaw roll.

Respectfully,

Chairman.

Chickasaw-Alto.
Chickasaw-187.
Chickasaw-2.

Muskogee, Indian Territory, June 21, 1904.

J. M. Perry,

Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 16th, in which you ask the status of the following persons: Thomas St. John, J. W. Brooks, Mrs. George Hinkle, and John B. Stuart.

In reply to your letter, you are informed that it appears from our records that on July 20, 1903 the Commission rendered its decision granting the application of John B. Stuart for the enrollment of himself and his children as citizens by blood of the Chickasaw Nation and the attorneys for the Nations were allowed fifteen days within which to protest to this action of the Commission. On July 29, 1903 the protest of the attorneys for the Choctaw and Chickasaw Nation to the action of the Commission in granting this application was filed and on August 1, 1903 the report in this case together with the decision of the Commission and the protest of the attorneys for the Choctaw and Chickasaw Nations was forwarded the Secretary of the Interior. The Commission has not yet been notified of Departmental action in this case. It further appears from our records that Emma Perry, nee the wife of G. W. Hinkle, was

J. M. P.-2c

admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Southern District of the Indian Territory rendered at Ardmore, Indian Territory, December 21, 1897 in court case, citizenship docket, number 127 and that her case is now pending before the Choctaw and Chickasaw Citizenship Court being case number 31 on the Tishomingo Docket, for information relative thereto, you should address the Clerk of that Court at Tishomingo, Indian Territory.

The Commission has not yet passed upon the application of Thomas St. John for enrollment as an intermarried citizen of the Chickasaw Nation; as soon as a decision is reached in this case, he will be notified of the action taken therein.

You are further advised that the information contained in your letter is not sufficient to enable us to identify J. W. Brown upon our records as an applicant for enrollment in the Choctaw or Chickasaw Nation. If you will state when and where application was made for his enrollment, his full name and age, the names of his parents, the character of the application and any other information, which would lead to his identification, the matter of your inquiry will receive further consideration.

Respectfully,

Commissioner of the Bureau

action in reference to the matter of the same.

Very truly,
Yours,
J. Edgar Hoover

Commissioner in Charge.

Received April 28.
1904.

Before the Commission of Free Labor
In the matter of {
Francis Burris } Affiant

Pomel Walden having first
been duly sworn State on oath
my name is Pomel Walden. I am
forty years old. I raised Francis
Johnson nee Watson nee Burris.

I had her enrolled at Lehigh
by Peter Mayberry. She is twenty
seven years old. Her fathers
name was Jim Johnson. He
was a citizen of the Chickasaw
Nation, I do not know her
mothers name as I was too young
when she was born. I had her
enrolled at Lehigh at the time
of the 892 payment she drew her
money at that time. Sometime after
that she married Elias Watson.
And was again enrolled
under the name of Watson

A. M. Thompson Pomel^{ne} Walden.

Subscribed and sworn to before
me this 18th day of April - 1904

J. J. Jones
Notary Public

Choctaw 5683
Howard Fandree
(Fandree)

5683

Transferred from Choctaw #D 371
8-15-03

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

The record herein is in the matter of the application for the
enrollment as citizens of the Choctaw Nation of

HOWARD FAUDREE, et al., 7 - D - 371

Commission to the Five Civilized Tribes,

Caddo, Indian Territory.

In the enrollment of Martha Faudree as a Choctaw; Howard Faudree being sworn and examined by Com'r McKennon testifies as follows

Q What is your name? A Howard Faudree.

Q How old are you? A Twenty-eight.

Q Your wife Martha is a daughter of Eliza Ward is she? A Yessir

Q Eliza is a Cherokee? A Yes sir.

Q How long has she lived in the Choctaw Nation, according to your understanding?

A About something over thirty years.

Q Do you know whether your wife and her mother drew leased District Money in the Cherokee Nation? A They was in the Cherokee Nation.

Q They were living there at that time? A Yes sir, at that time the money was drawn.

Q How long did they live in the Cherokee Nation then? A I don't know exactly, but I think it was somewhere about a year.

Q You were living there with them weren't you? A No sir., I wasn't married in that time.

Q You wasn't married in 1890? A I married in 1896.

Q Did you ever hear your wife say they drew money there?

A I heard her say her mother drew money there.

Q You didn't hear her say she did? A No sir.

Q You don't know positively whether they did or not? A Nosir.

Q Com'r Needles: Your wife was with her at that time? A Yessir

(Commission determines to postpone the enrollment of these parties until more definite information can be obtained as to this man's wife's citizenship. - Stenog.)

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify, upon my official oath as
stenographer to above named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.
M. D. Green

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, INDIAN TERRITORY, DECEMBER 12, 1900.

Martha Faudree

vs

Choctaw D 371.

Choctaw Nation.

Martha Faudree, Having been first duly sworn by Acting
Chairman, Tams Bixby, testifies as follows:

Examination by J. G. Ralls, Attorney for Applicant.

- Q State your name? A Martha Faudree.
Q How old are you? A Twenty two
Q You are a daughter of W. G. and Elizabeth Ward are you? A Yes sir.
Q You were born and raised in the Choctaw Nation? A Yes sir.
Q You have married Mr. Howard Faudree have you? A Yes sir.
Q Have you any children by that marriage? A Two.
Q What are their names and ages? A Lovie Faudree, three years old
and Lola two.
Q You and your children have been enrolled by the Choctaws have you?
A Yes sir.
Q And listed by the Commission on a white card? A Yes sir.
Q The question being in your case as to whether you would be enrolled
as Cherokee or Choctaw? A Yes sir.
Q What is your desire as to which Nation you shall be enrolled in,
take your allotment and make your home? A The Choctaw Nation.
Q In the event you and your children are enrolled as members of the
Choctaw Nation, you agree to waive all rights or claims to member-
ship in the Cherokee Nation? A Yes sir.
Q You make your election for yourself and your children, in the
Choctaw Nation? A Yes sir.
Q These children are both living and with you? A Yes sir.

Commission.

- Q Is your mother a Cherokee Indian? A Yes sir.
Q How long has she resided in the Choctaw Nation? A Why, I don't
know just exactly the number of years but it has been twenty five
or thirty years.
Q Were you born in the Choctaw Nation? A Yes sir.
Q Have you always lived here? A Yes sir.
Q Never had a residence in the Cherokee Nation? We never owned any
residence, we lived there a short while.
Q When? A It has been seven or eight years ago, we lived there a
few months.
Q Were you living there in '94 when you drew this money? A Yes sir.
Q How long did you stay in the Cherokee Nation? A I don't know just
exactly, it was about fourteen months, twelve or fourteen months.

Anna Bell, having been first duly sworn, on her oath states
that as stenographer to the Commission to the Five Civilized Tribes
she reported in full all the proceedings had in the above entitled
cause on the 12th day of December, 1900, and that the above and fore-
going is a full, true and correct transcript of her stenographic notes
in said cause.

Subscribed and sworn to before me this 31st day of December, 1900.

Anna Bell
L. V. Emerson

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, November 17, 1902.

Choctaw D. 371.
Intermarried.

In the matter of the application of Howard Faudree for enrollment as an intermarried citizen of the Choctaw Nation.

Howard Faudree, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission;

- Q What is your name? A Howard Faudree.
Q What is your age? A Thirty two.
Q What is your post office address? A Caddo, Indian Territory.
Q How long have you been a resident of the Choctaw Nation? A Twenty three years.
Q Have you lived here continuously for the past twenty three years? A Yes sir.
Q Never made your home anywhere else during that time? A No sir.
Q Do you claim intermarried rights in the Choctaw Nation? A Yes sir.
Q What is the name of your Choctaw wife through whom you claim those rights? A Martha Ward.
Q Was she a recognized and enrolled citizen of the Choctaw Nation? A Yes sir.
Q Were her rights ever questioned? A No sir, not that I know of at all.
Q When were you married to Martha Ward? A In 1896.
Q What was the exact date? A I think it was the last day of August, 1896.
Q Where was this marriage ceremony performed? A At Mr. Ward's residence near Caddo.
Q Were both you and your wife bona fide residents of the Choctaw Nation at that time? A Yes sir.
Q Were you married in accordance with the Choctaw tribal law? A Yes sir.
Q Did you procure a license? A Yes sir.
Q From whom did you obtain that license? A County Judge of Jackson county.
Q How much did you pay for that license? A One hundred dollars.
Q Who performed the marriage ceremony? A Aaron Demasse.
Q Were you ever married before your marriage to Martha Ward? A No sir.
Q Was she ever married before her marriage to you? A No sir.
Q Since that marriage in 1896 have you lived together continuously as husband and wife? A Yes sir.
Q There has been no separation, abandonment or divorce? A No sir.
Q She is dead now, is she not? A Yes sir, she died December 23, 1901.
Q You lived with her until her death? A Yes sir.
Q Have you married since her death? A No sir.

---600---

Harry G. Bisteen being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 17th day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 17th day of January, 1903.

COMMISSIONERS
HENRY L. DAWES,
TAMM DIXIE,
THOMAS B. NEEDLES,
C. R. BRACKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw D-371.

Muskogee, Indian Territory, March 1, 1902.

Howard Faudree,
Caddo, Indian Territory.

You are hereby notified that the application of yourself and your threeminer children, Annie L., Lola P. and Ross Howard Faudree for enrollment as citizens of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 9th day of April 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Register.

T. B. Needles.

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.

In the matter of the application of Howard Faudree for the enrollment of himself as an intermarried citizen of the Choctaw nation, and for the enrollment of his three minor children, Annie L., Lola P., and Ross Howard Faudree, as citizens by blood of the Choctaw Nation.

----D 371----

On the first day of March, 1902, the principal applicant was notified by registered mail, and the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified by registered mail, that the application of Howard Faudree, Annie L. Faudree, Lola P. Faudree and Ross Howard Faudree for enrollment as citizens of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 9th day of April, 1902, for final consideration.

Now, on this 9th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation appeared by its attorneys, Mansfield, McMurray & Cornish, and the applicants appeared by their attorneys, J. G. Ralls, and this case was submitted on the record.

By the Commission: This case will be considered by the Commission upon the evidence and record as now made up.

-----C-----

Harry C Ristean, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 9th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Harry C Ristean

Subscribed and sworn to before me this 11th day of April, 1902.

Charles Mitchell Wood

Notary Public.

MARRIAGE LICENSE.

To all whom these presents shall come, greeting know ye that I, in
pursuance of an application of Howard Faudree
a citizen of the United States for a license to marry Miss
Martha Ward a citizen of the Choctaw Nation the
same being in due form and satisfying the requirements of the laws of
said Nation in reference to inter-marriage with non-citizens; and by
virtue of the authority vested in me; do hereby issue this license for the
above named parties to be joined together in matrimony.

Witness my hand and official seal this 18th day of

August A.D. 1896

D. F. Wade clerk

CERTIFICATE OF SOLEMNIZATION.

This is to certify that, I, in accordance with the above authority,
have united Mr. Howard Faudree and
Miss Martha Ward the parties mentioned in the
above license on this the thirtieth 30 day of Aug

1896 Eld. W. H. Newson My Secretary Rec'd Book D
pp 535

Recorded Book

this 5 day of September 1896

D. F. Wade, clerk.

D-371

IN RE

Application for Enrollment of
INFANT CHILD.

Amie Louise Jandree

As a citizen of the

Cherokee

Nation.

Approved.....1

Commissioner.

Department of the Interior,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Annie L. Faudree, born on the 1 day of June, 1897.
Name of father: Howard Faudree, a citizen of the Choctaw Nation.
Name of mother: Martha E. Faudree, a citizen of the Choctaw Nation.
Post Office: Caddo, La.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Cent District.

Martha E. Faudree, on oath, state that I am 21 years of age and a
citizen, by Blood of the Choctaw Nation; that I am the
lawful wife of Howard Faudree, who is a citizen, by Marriage, of the
Choctaw Nation; that Female child was born to me on the 1st day
of June, 1897; that said child has been named Annie Lorry Faudree
and is now living.

Subscribed and sworn to before me this 20 day of Sept, 1899

W. H. Bates

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Cent District.

I, Le Roy Long, a Physician, on oath, state that I
attended on Mrs. Martha E. Faudree, wife of Howard Faudree
on the 1st day of June, 1897; that there was born to her on said date Female child;
that said child is now living and is said to have been named Annie Lorry Faudree

Le Roy Long, M.D.

Subscribed and sworn to before me this 4th day of Sept, 1899

W. H. Bates

Notary Public.

D-371

IN RE

Application for Enrollment of
INFANT CHILD.

Lola Carl Daudre

As citizen of the

Choctaw

Nation.

Approved 1

Commissioner.

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Lola P. Faudree, born on the 10 day of April, 1899.
Name of father: Howard Faudree, a citizen of the Choctaw Nation.
Name of mother: Martha Faudree, a citizen of the Choctaw Nation.
Post Office: Wade, La.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Ant District. }

I, Martha E. Faudree, on oath, state that I am 21 years of age and a
citizen, by Blood, of the Choctaw Nation; that I am the
lawful wife of Howard Faudree who is a citizen, by Marriage, of the
Choctaw Nation; that a Female child was born to me on the 10th day
of April, 1899; that said child has been named Lola Pearl Faudree
and is now living.

Subscribed and sworn to before me this 20 day of Sept, 1899
W. H. Bates
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
District. }

I, LeRoy Long, a Physician, on oath, state that I
attended on Mrs. Martha Faudree, wife of Howard Faudree
on the 10th day of April, 1899; that there was born to her on said date a Female child;
that said child is now living and is said to have been named Lola Pearl.

Subscribed and sworn to before me this 22^d day of August, 1899.
LeRoy Long, M.D.
W. H. Bates
Notary Public.

CHOCTAW

INDEXED

20

IN RE

Application for Enrollment of

INFANT CHILD

Ross Howard Hendon

as a citizen of

Choctaw

Nation.

Approved

JAN - 2 1902

1902

[Signature]
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JAN 2 1902

[Signature]

ACTING CHAIRMAN

CHOCTAW

10 571

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Ross Howard Fauden, born on the 14th day of Dec, 1901
(Here insert name of child)
Name of Father: Howard J. Fauden, a citizen of the Choctaw Nation.
Name of Mother: Martha E. Fauden, a citizen of the Choctaw Nation.
Post-office, Caddo, La.

AFFIDAVIT OF ~~MOTHER~~ Father

UNITED STATES OF AMERICA,

Central INDIAN TERRITORY,
District.

I, Howard J. Fauden, on oath state that I am 31
years of age and a citizen, by Marriage of the Choctaw Nation;
that I am the lawful wife of Martha E. Fauden, who is a citizen, by
Blood, of the Choctaw Nation; that a Male child was
born to me on the 14th day of Dec, 1901; that said child has been
named Ross Howard Fauden, and is now living. That my
wife Martha E. Fauden on Dec 23rd 1901
WITNESSES TO MARK
Howard J. Fauden

(Must be Two
Witnesses)

Subscribed and sworn to before me this 30th day of Dec, 1901.

A. H. Elting
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

Central INDIAN TERRITORY,
District.

I, LeRoy Long, a Physician, on oath state that I
attended on Mrs. Martha E. Fauden, wife of Howard J. Fauden,
on the 14th day of December, 1901; that there was born to her on
said date a Male child; that said child is now living and is said to have been
named Ross Howard Fauden. I was the attending
Physician on Mrs. Martha E. Fauden in last sickness, that she
died on Dec 23rd 1901, she dying on that day of Malonal Hematuria.
WITNESSES TO MARK:

(Must be Two
Witnesses)

Subscribed and sworn to before me this 30th day of December, 1901.

A. H. Elting
NOTARY PUBLIC.

CHOCTAW.

INDEXED

22.

IN RE
THE DEATH OF

Martha E. Fanden
a citizen of the
Choctaw Nation.

JAN 11 1902

Approved

1

[Signature]
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE CIVILIZED TRIBES.

FILED

JAN 11 1902

[Signature]
ACTING CHAIRMAN.

CHOCTAW.

D. 371.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Mortha E Fandum
(Here insert name of deceased.)
 a citizen of the Choctaw Nation, who formerly resided at or near
Caddo, Ind. Ter., and died on the 24th day of Dec,
(Here insert name of post office.)
1901

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,

Central District.

I, W. G. Ward, on oath state that I am 34
 years of age and a citizen, by Blood, of the Choctaw Nation;
 that my post office address is Caddo, I.T., Ind. Ter.; that I am
(Here insert name of post office.)
Father of Mortha E Fandum,
(State relationship, as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
 who was a citizen, by Blood, of the Choctaw Nation;
 and that said Mortha E Fandum died on the 24th day of
Dec, 1901,
(Here insert name of deceased.)

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 7th day of Jan, 1902
A. H. Ellery
 Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,

Central District.

I, LeRoy Long, on oath state that I am 33
 years of age, and a citizen, by LeRoy Long of the Choctaw Nation;
 that my post office address is Caddo, I.T., Ind. Ter.;
(Here insert name of post office.)
 that I was personally acquainted with Mortha E Fandum,
(Here insert name of deceased.)
 who was a citizen, by Blood, of the Choctaw Nation;
 and that said Mortha E Fandum died on the 24th day of
Dec, 1901,
(Here insert name of deceased.)

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 7th day of Jan, 1902
A. H. Ellery
 Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Howard Faudree as a citizen by intermarriage, and of his three minor children, Annie L. Faudree, Lola P. Faudree and Ross Howard Faudree as citizens by blood of the Choctaw Nation.

DECISION.

It appears from the record in this case that Howard Faudree made application to the Commission at Caddo, Indian Territory, on August 25, 1899, for the enrollment of himself as a citizen by intermarriage, and of his wife, Martha Faudree (now deceased), and his two minor children, Annie L. Faudree and Lola P. Faudree as citizens by blood of the Choctaw Nation; and that on January 2, 1902, written application was made for the enrollment as a citizen by blood of the Choctaw Nation of Ross Howard Faudree (born December 14, 1901) infant child of said Howard Faudree and Martha Faudree. Further proceedings were had in the matter of this application at Atoka, Indian Territory, on December 12, 1900; at Muskogee, Indian Territory, on April 9, 1902; and at said Atoka on November 17, 1902.

An examination of the tribal rolls of the Choctaw Nation in the possession of the Commission shows that the name of said Martha Faudree (as Martha Ward) appears upon the 1893 Choctaw Leased District Payment Roll, Blue County, page 114, number 1170, as a citizen by blood of the Choctaw Nation; and that the name of said Howard Faudree appears upon the 1896 census roll of the Choctaw Nation, number 14534, as a citizen by intermarriage of the Choctaw Nation; and that the name of said Martha Faudree also appears upon said 1896 census roll of the Choctaw Nation, number 4328, as a citizen by blood of said Choctaw Nation. The applicants, Annie L. Faudree, Lola P. Faudree and Ross Howard Faudree, having been born subsequent to the preparation of the said 1896 Choctaw census roll, are identified by proper proofs of birth filed with and made a part of the record herein.

It further appears from the record in this case that Martha Faudree (nee Ward) was the daughter of William G. Ward, a recognized and enrolled citizen by blood of the Choctaw Nation, and Eliza Ward, a citizen by blood of the Cherokee Nation; that said Martha Faudree appeared before the Commission at Atoka, Indian Territory, on December 12, 1900, and under the provisions of said section twenty-one of said act of Congress elected for herself and her minor children, Annie L. Faudree and Lola P. Faudree to be finally enrolled as citizens by blood of the Choctaw Nation, and to take allotment of lands and distribution of moneys in said nation.

Howard Faudree, et al., - 2.

It further appears from the record herein that said Howard Faudree, on August 31, 1896, was married in accordance with the laws, customs and usages of the Choctaw Nation to said Martha Faudree (nee Ward), a recognized citizen by blood of the Choctaw Nation, who died on December 23, 1901. The record in this case further shows that at the time of said marriage said Howard Faudree and said Martha Faudree were residents in good faith of the Choctaw Nation; that they lived together continuously in said nation as husband and wife from the date of said marriage up to the death of said Martha Faudree, since which time, up to and including September 25, 1902, the said Howard Faudree has continued to reside in the Choctaw Nation and has not remarried.

It further appears that all of the applicants herein who were living on June 28, 1898, were on that date residents in good faith of Indian Territory.

It is, therefore, the opinion of this Commission that Howard Faudree should be enrolled as a citizen by intermarriage of the Choctaw Nation, and that Annie L. Faudree, Lola P. Faudree and Ross Howard Faudree should be enrolled as citizens by blood of the Choctaw Nation in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495) and July 1, 1902 (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

JUL 30 1903


Chairman.


Commissioner.


Commissioner.


Commissioner.

Cheetaw D-371

COPY:

Muskogee, Indian Territory, July 30, 1903.

Howard Faudree,
Cade, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission, rendered July 30, 1903, granting the application for the enrollment of Howard Faudree as a citizen by intermarriage and of Annie L. Faudree, Lola P. Faudree, Ross Howard Faudree as citizens by blood of the Cheetaw Nation.

The attorneys for the Cheetaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Cheetaw Nation. If at the expiration of that time no protest has been filed the names of the applicants will be placed upon the final rolls of the citizens of the Cheetaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

I. B. Needles.
Commissioner in Charge.

Register.
Enc. NEW 20/30

Choctaw D-371

COPY.

Muskogee, Indian Territory, July 30, 1903.

J. G. Ralls,
Attorney-at-Law,
Atoka, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission, rendered July 30, 1903, granting the application for the enrollment of Howard Faudree as a citizen by intermarriage and of Annie L. Faudree, Lola P. Faudree, Ross Howard Faudree as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time no protest has been filed the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

Register.
Enc. NEW 8/30

Chectaw D-371

COPY.

Muskogee, Indian Territory, July 30, 1903.

Manafield, McMurray and Cornish,
Attorneys for Chectaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered July 30, 1903, granting the application for the enrollment of Howard Faudree as a citizen by intermarriage and of Annie L. Faudree, Lela P. Faudree, Ross Howard Faudree as citizens by blood of the Chectaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Chectaw Nation. If at the expiration of that time, no protest has been filed, the names of the applicants will be placed upon the final rolls of the citizens of the Chectaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

Register.
Enc. NEW 30/30.

Muscogee, Indian Territory,

August 18th, 1900.

Howard Raudree,

Okaloosa, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorney, Messrs McKennon, Mansfield, McMurrow, & Cornish, has filed with this Commission a notice of protest to your enrollment and the enrollment of Bartie, Annie L., and John P. Raudree, citizens of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman

7-D-371.

Muskogee, Indian Territory, September 18, 1900.

Howard Faudree,

Osage, Indian Territory.

Dear Sir:

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The question raised, is as to your Cherokee blood.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, January 2, 1902.

Homer & Elting,

Attorneys at Law,

Caddo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 30th of December, 1901, enclosing the application for enrollment as a citizen of the Choctaw Nation of Ross Howard Pandree, the infant son of Howard T. and Martha E. Pandree, born December 14, 1901, and the same being in proper form has been accepted and filed with the records of this office as evidence of the birth of this child.

For the purpose of making the death of Martha E. Pandree a matter of record, there is enclosed you herewith a blank proof of death which please have executed and return to this office.

Yours truly,

Commissioner in Charge.

7-2-071

Muskogee, Indian Territory, January 11, 1902.

Howard Fandree,

Okado, Indian Territory.

Sir:

Receipt is hereby acknowledged of the affidavits of
W. A. Ward and Leroy Long, as to the death of your wife, Martha
Fandree, December 24, 1901, and the same being in proper form have
been accepted and filed with the records of the Commission.

Yours truly,

Commissioner in Charge.

7-5-072.

Shoshone 2 568
Shoshone 2 570
Shoshone 2 571

Shoshone, Indian Territory, April 18, 1903.

J. G. Ralls,

Attorney at Law,

Atocha, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 18, relative to the enrollment of the children of W. O. Ward and his wife, Eliza Ward.

In reply to your letter you are advised that the Commission has not yet reached those cases for consideration and determination, but the same will be taken up as early as possible, and as soon as decisions are rendered the applicants will be notified of the action of the Commission.

Respectfully,

W. O. Ward.

7-5283

Muskogee, Indian Territory, August 17, 1903.

Commissioner in Charge,
Chickasaw Land Office,
Tishomingo, Indian Territory.

Dear Sir:

You are hereby advised that the following notation has
this day been made upon original Chickasaw enrollment card, No. 1042:

"Canceled and transferred to Choctaw card No. 5683
Aug. 15, 1903."

You are therefore, requested to make like notation upon
the duplicate card in your possession in accordance with the above
information.

Respectfully,

Commissioner in Charge.

7-5683

Muskogee, Indian Territory, August 17, 1903.

Commissioner in Charge,
Choctaw Land Office,
Atoka, Indian Territory.

Dear Sir:

You are hereby advised that the following notation has
this day been made upon original Chickasaw enrollment card, No. 1042:

"Canceled and transferred to Choctaw card No. 5683
Aug. 18, 1903."

You are therefore, requested to make like notation upon
the duplicate card in your possession in accordance with the above
information.

Respectfully,

Commissioner in Charge.

MEMORANDA.

(Date) Aug 25 1899.

Name Howard Audree

Choctaw? yes County _____ Year _____ No. _____

Chickasaw? _____ County _____ Year _____ Page _____

Citizen by blood? _____ Mother's citizenship us

Intermarried citizen? yes

Married under what law? Choc

License filed this day, yes

X Wife's name, Martha Audree

Choctaw? yes County Blue Year 96 No. 328

Chickasaw? _____ County _____ Year _____ Page 105-

Citizen by blood? yes Mother's citizenship Cherokee

Intermarried citizen? _____

Married under what law? _____

License filed this day _____

Names of children:

Annie L. Audree County _____ Year _____ Page _____ No. _____

Lela P. County _____ Year _____ Page _____ No. _____

County _____ Year _____ Page _____ No. _____

County _____ Year _____ Page _____ No. _____

County _____ Year _____ Page _____ No. _____

County _____ Year _____ Page _____ No. _____

County _____ Year _____ Page _____ No. _____

County _____ Year _____ Page _____ No. _____

County _____ Year _____ Page _____ No. _____

County _____ Year _____ Page _____ No. _____

County _____ Year _____ Page _____ No. _____

Mother, Eliza Ward, a Cherokee, see her enrollment with her husband, Wm. G. Ward

D 1371

Choctaw 5684

Floyd Nevins

Transferred from Choctaw #D533
and Choctaw #D695

8-15-03

5684

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, January 10, 1902.

In the matter of the application of Vivian Scott Nivens for enrollment as a citizen by intermarriage of the Choctaw Nation.

Vivian Scott Nivens being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Vivian Scott Nivens.
Q How old are you? A Twenty-one years.
Q What is your post office address? A It's now Muskogee, but I expect I better give it as Panther, be cause I wont be here long that will be my address after this week.
Q Where do you live? A I live here in Muskogee.
Q How long have you lived in the Creek Nation? A Never only for a few days at a time.
Q Where do you live? A In the Cherokee Nation.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Have you ever maintained a residence in the Choctaw Nation?
A No sir.
Q Were you born in the Cherokee Nation? A Yes sir.
Q What is your father's name? A George W. Scott.
Q Is your father living? A Yes sir.
Q What is your mother's name? A Stella A. Scott.
Q Your father and mother are both white people? A No sir; my mother's a Cherokee and my father's a white man.
Q Was your mother ever enrolled as a citizen of the Cherokee Nation?
A Yes sir.
Q Have you been enrolled as a citizen of the Cherokee Nation?
A Yes sir; I have always been a citizen of the Cherokee Nation, until I married.
Q Have you drawn money as a citizen of the Cherokee Nation? A Yes sir.
Q Have your rights to Cherokee citizenship ever been questioned?
A No sir.
Q Have you been enrolled by the Dawes Commission as a citizen of the Cherokee Nation? A Yes sir.
Q Where did you apply? A O, I applied to Mr. W. W. Hastings just a few minutes ago.

It appears from an examination of the records of the Commission that Vivian C. Scott has been listed for enrollment as a citizen by blood of the Cherokee Nation and appears upon the records of the Commission on Cherokee Roll card field number 27, having been identified from the 1880, 1894 and 1896 roll of the citizens of the Cherokee Nation.

- Q Your purpose in now appearing before the Commission is to apply for enrollment as a citizen by intermarriage of the Choctaw Nation? A Yes sir.

Vivian Scott Nivens --2.

- Q What is the name of your Choctaw husband through whom you claim such rights to enrollment? A Floyd Nivens.
- Q Has he been listed for enrollment by this Commission as a citizen by blood of the Choctaw Nation? A Yes sir.

It appears from an examination of the records of the Commission that Floyd Nivens, 24 years of age, whose post office address is given as Muskogee, Indian Territory has been listed for enrollment as a citizen of the Choctaw Nation and appears upon the records of the Commission on Choctaw roll card field number D. 533. Floyd Nivens was born and raised in the Cherokee Nation in the Indian Territory and has always been a resident of that Nation but his name is identified by the Commission from the 1896 roll of the citizens of the Choctaw Nation page 249 number 9851. His father, Moses Nivens was a citizen by blood of the Cherokee Nation and his mother Julia Nivens a citizen by blood of the Choctaw Nation. Floyd Nivens has been listed for enrollment by this Commission as a citizen of both the Choctaw and Cherokee Nations but at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on September 23, 1900, the said Floyd Nivens elected for himself under the provisions of the 21st section of the act of Congress of June 28, 1898 to be finally enrolled by the Commission to the Five Civilized Tribes and by the Secretary of the Interior as a citizen of the Choctaw Nation.

- Q When did you marry Floyd Nivens? A January 3, 1901.
- Q Where were you married? A Married at Muskogee.
- Q Who married you? A C. C. McGinley.
- Q Were you married under the United States license? A Yes sir.
- Q Have you your marriage license and certificate with you? A I have 'nt it with me but I have them -- not here though.
- Q It will be necessary that the Commission be supplied with evidence of your marriage.
- Q How can I supply you and the Cherokee part too? They want it and I have but one.
- Q It will be necessary that the Commission be supplied with evidence of your marriage for consideration of such rights as you may have as a citizen of the Choctaw Nation.
- Q You have never been married to Floyd Nivens in accordance with the laws of the Choctaw Nation? A No sir.
- Q Has Floyd Nivens ever been a resident of the Choctaw Nation? A He is now.
- Q Have you any children? A No sir.
- Q Article 38 of the treaty of April 26, 1866 between the United States and the Choctaw and Chickasaws relating to intermarriage between white persons and Choctaw and Chickasaw citizens provides:

"Every white person who, having married a Choctaw or Chickasaw resides in the said Choctaw or Chickasaw Nation, or who has been adopted by the legislative authorities, is to be deemed a member of said nation and shall be subject to the laws of the Choctaw and Chickasaw Nations according to his domicile, and to prosecution and trial before their tribunals as though he was a native Choctaw or Chickasaw."

The decision of the Commission as to such rights as you may have as a citizen by intermarriage of the Choctaw Nation will be determined at the earliest practicable date upon such evidence as has been submitted of your marriage to a recognized citizen of the

Vivian Scott Nivens--3.

Choctaw Nation and after a consideration of this application you will be notified as to such action as may be taken relative to this application.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes, she reported in full, all proceedings had in the above entitled cause on the 10th day of January 1902 and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 11th day of January 1902.

J. D. Doon

Notary Public.

FOR CHOCTAW FILES.
R.

Cherokee Straight Case No. 27.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., January 10, 1902.

SUPPLEMENTAL TESTIMONY, in the matter of the application
of Vivian C. (Scott) Nevins for enrollment as a Cherokee Indian
citizen by blood.

Appearances:

Applicant, in person.

Mr. J.L. Baugh, of attorneys for the Cherokee Nation.

VIVIAN C. NEVINS, being sworn and examined, testified as follows:

BY COMMISSION:

- Q What is your name? A Vivian C. Scott, it was, it is Nevins now.
Q How old are you? A I am 21 years old.
Q What is your post-office address? A Muskogee.
Q Did your father, George W. Scott, make application for your enrollment on the 11th day of May, 1900? A Yes sir.
Q What is the name of your mother? A Stella Scott.
Q Is your mother living? A No, sir.
Q Was she a Cherokee? A Yes sir.
Q Is your father a Cherokee or a white man? A White man.
Q Is he living? A Yes sir.
Q Have you always been recognized as a citizen of the Cherokee Nation? A Yes sir.
Q Have you always resided in the Cherokee Nation? A Yes sir.
Q Does your name appear upon all the tribal rolls? A Yes sir.
Q What was your name before you were married? A Vivian Scott.
Q What is the name of your husband? A Floyd Nevins.
Q Is he living? A Yes sir.
Q Is he a Cherokee by blood? A He is a Choctaw.
Q When were you married to him? A January 3, 1901.
Q Have you any evidence of your marriage? A Yes sir.
Q Let me have it, please? A I have not got it with me.
Q Were you married under a license procured from the United States authorities at Muskogee? A Yes sir.
Q Can you furnish the Commission with a certified copy of that license? A Yes sir.
Q Are you residing in Muskogee? Or in the Cherokee Nation? A Cherokee Nation.
Q In what district? A Canadian.

1880 authenticated roll of citizens of the Cherokee Nation
examined and applicant identified on
page 45 No. 1235 (B.) V.C. Scott, Canadian District, native Cherokee.
1896 census roll of citizens of the Cherokee Nation examined
and applicant identified on
page 71 No. 1962 Vivian C. Scott, Canadian District.

BY COMMISSION: On the 11th day of May, 1900, application was made for the enrollment of Vivian C. Scott by her father, George W. Scott. The testimony taken at that time was found to be incomplete, and the applicant was requested to appear before the Commission for the purpose of giving further testimony as regards her application to be enrolled as a citizen by blood of the Cherokee Nation. It appears from the testimony that she is duly identified on the authenticated roll of 1880 and the census roll of 1896. She makes satisfactory proof as to her residence. She avers that she was married on the 3rd day of January, 1901, to one Floyd Nevins, a citizen of the Choctaw Nation. It will be necessary that the applicant file with the Commission either her original marriage license and certificate or a certified copy thereof, in order to establish

For Case files 2.

her change in name as shown in the application made by her father in May, 1900. The applicant will be duly listed for enrollment as a Cherokee by blood.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this January 11, 1902.



Commissioner.

RECEIVED

JAN 11 1902

U.S.

DEPT.

OF THE

INTERIOR

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. January 3, 1903.

7-D695

In the matter of the application for enrollment as an inter-married citizen of the Choctaw Nation of Vivian Scott Nevins, and her right to be finally enrolled as such by the Commission to the Five Civilized Tribes under the provisions of the 21st section of the Act of Congress of June 28, 1898.

Vivian Scott Nevins being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Vivian Scott Nevins.
Q How old are you? A Twenty two years old.
Q What is your post office address? A McCurtain.
Q What Nation is that in? A Choctaw Nation.
Q You live in the Choctaw Nation now? A Yes sir.
Q How long have you lived there? A Since last January.
Q You are the identical Vivian Scott Nevins who on January 10, 1902 at Muskogee, Indian Territory, made application to be enrolled as a citizen by inter-marriage of the Choctaw Nation? A Yes sir.
Q The twenty first section of the Act of Congress of June 28, 1898, under which this Commission is preparing rolls of citizens of the Five Tribes in Indian Territory provides as follows:

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and so allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he shall take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

Q Now it appears from the records of the Commission that in addition to your marriage to a recognized citizen of the Choctaw Nation you are also a recognized and enrolled citizen by blood of the Cherokee Nation. Under this provision of law that I have just read, you, do you elect to be enrolled and receive allotment of land as a citizen of the Cherokee Nation or as a citizen by inter marriage of the Choctaw Nation? A In the Choctaw Nation.
Q In the event of your final enrollment by this Commission and the Secretary of the Interior as a citizen by inter marriage of the Choctaw Nation, do you relinquish all the right, title and interest in and to the property of the Cherokee Indians in Indian Territory?

V. S. Keatinge---2

A. Yes sir.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings in the above entitled cause on January 3, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 3 day of January, 1903.

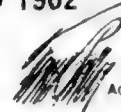
Charles H. Sawyer

Notary Public.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 10 1902



ACTING CHAIRMAN.

CERTIFICATE OF TRUE COPY.

United States of America, }
INDIAN TERRITORY, } ss.
Northern District.

I, CHARLES A. DAVIDSON, Clerk of the United States Court in the Northern District, Indian Territory, and ex-officio Recorder of said District and Territory, do hereby certify that the instrument hereto attached is a full, true and correct copy of a ~~Marriage~~ ^{Marriage} ~~Marriage~~ filed in my office on the 4th day of January, 1901, at — o'clock M., and ~~General Affidavit filed~~ ¹⁹⁰¹

WITNESS my hand and seal of said Court at Muskogee, in said Territory, this 10 day of January, A. D. 1901

Chas. A. Davidson
Clerk and Ex-Officio Recorder.

By _____ Deputy Clerk.

the 4 day of January, at — M., and duly recorded in Book N, Marriage Record, Page 146

WITNESS my hand and seal of said Court at Muskogee, in said Territory, this 10 day of January, A. D. 1901

Chas. A. Davidson Clerk.

By _____ Deputy.

CERTIFICATE OF RECORD.

UNITED STATES OF AMERICA,

INDIAN TERRITORY.

SS.

Northern District.

I, JAMES A. WINSTON, Clerk of the United States Court in the Northern District,
Indian Territory, do hereby certify that the instrument hereto attached was filed in my office
the 4th day of January, at M., and duly recorded
in Book N, Marriage Record, Page 146

WITNESS my hand and seal of said Court at Muskogee, in said

Territory, this 10 day of January A. D. 1901

Chas. A. Davidson Clerk.

By

Deputy.



MARRIAGE LICENSE.



UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

No. 1478

TO ANY PERSON AUTHORIZED BY LAW TO SOLEMNIZE MARRIAGE, GREETING:

You are Hereby Commanded to Solemnize the Rite and publish the Banns of Matrimony
between Mr. *Floyd Newiner*
of *Muskogee*, in the Indian Territory, aged *25* years, and
Miss Vivian Scott
of *Muskogee*, in the Indian Territory, aged *21* years,
according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal at *Muskogee*, Indian
Territory, this *3rd* day of *January*, A. D. 1901
By *P. M. Ford* Deputy. *Chas. A. Davidson*
Clerk of U. S. Court.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, *C. A. Mc Ginley*, a Minister of the Gospel,
DO HEREBY CERTIFY, that on the *3rd* day of *January*,
A. D. 1901, I did duly and according to law as commanded in the foregoing License,
solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this *3rd* day of *January*, A. D. 1901

My Credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District,
Book *A*, Page *274*

C. A. Mc Ginley
A Minister of the Gospel

NOTE. This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court in the Northern District, Indian Territory, from whence it was issued, within sixty days from the date thereof or the party to whom the License was issued will be liable in the amount of One Hundred Dollars (\$100.00).

7 D 695.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Vivian Scott Nevins
for enrollment as a citizen by intermarriage of the Choctaw Nation.

--- D E C I S I O N ---

The record in this case shows that on January 10, 1902, at Muskogee, Indian Territory, application was made to this Commission for the enrollment of Vivian Scott Nevins (also written Nivens) as a citizen by intermarriage of the Choctaw Nation. Further proceedings were had in said application at Muskogee, Indian Territory, on January 3, 1903.

It further appears from the evidence submitted in support of this application, and from the records in the possession of the Commission, that the applicant herein is a daughter of George W. Scott, a citizen by adoption of the Cherokee Nation, and Stella A. Scott, a citizen by blood of the Cherokee Nation, and that they together with this applicant have been recognized and enrolled by the tribal authorities of the Cherokee Nation as citizens of said tribe in Indian Territory; that the applicant herein is identified from the 1880, 1894 and 1896 Cherokee rolls; that at Muskogee, Indian Territory, on May 11, 1900, application was made to this Commission for the enrollment of the applicant herein as a citizen by blood of the Cherokee Nation, but no final disposition has yet been made of this application.

It also appears from the record herein that on January 3, 1901, this applicant married Floyd Nevins, a Choctaw Indian and a resident of the Choctaw Nation, who is recognized and enrolled by the tribal authorities of the Choctaw Nation as a citizen by blood of said tribe in Indian Territory, and whose name is identified by the Commission from the 1896 Choctaw census roll, page 249, No. 9851, as a citizen of the Choctaw Nation.

It further appears that this applicant was a resident in good faith of the Indian Territory on June 28, 1898, and has lived with her said Choctaw husband from the date of their marriage on January 3, 1901, up to and including September 25, 1902.



It also appears that the applicant herein, in her testimony before the Commission at Muskogee, Indian Territory, on January 3, 1903, elected to be enrolled and take allotment of lands and distribution of moneys in the Choctaw Nation.

It is therefore the opinion of this Commission that Vivian Scott Nevins, in accordance with her said election, is entitled to be enrolled as a citizen by intermarriage of the Choctaw Nation, and that the application for her enrollment as such should be granted under the provisions of the Acts of Congress approved June 28, 1898 (30

Vivian Scott Nevins--2.

Stats., 495), and July 1, 1902 (32 Stats., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Acting Chairman.

Commissioner.


Commissioner

Muskogee, Indian Territory,
JUL 30 1903

COPY,

Chectaw-D-898.

Muskogee, Indian Territory July 30, 1903.

Vivian Scott Evans,

McCurtain, Indian Territory.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission, rendered July 30, 1903, granting your application for enrollment as a citizen by intermarriage of the Chectaw Nation.

The attorneys for the Chectaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you as a citizen of the Chectaw Nation. If at the expiration of that time, no protest has been filed, your name will be placed upon the final rolls of the citizens of the Chectaw Nation, to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

Enc. ALI. 11

Chectaw-D-695.

COPY.

Waskagee, Indian Territory, July 30, 1903.

Mansfield, McMurray & Gernish,
Attorneys for the Chectaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered July 30, 1903, granting the application for the enrollment of Vivian Scott Nevins as a citizen by intermarriage of the Chectaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Chectaw Nation. If at the expiration of that time, no protest has been filed, the name of the applicant will be placed upon the final rolls of the citizens of the Chectaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED.

I. B. Needles.

Commissioner in Charge.

Registered.

Enc. ALI. 12.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., SEPTEMBER 22, 1900.

Choctaw Card D-533.

In the matter of the application for enrollment as a citizen by blood of the Choctaw Nation of Floyd Nevins.
Floyd Nevins, being first duly sworn, testified as follows:

(By the Commission)

- Q What is your name? A Floyd Nevins.
Q What is your age? A 35.
Q What is your post office address? A Muskogee, I.T.
Q Where do you live? A I live here, north-west of here.
Q In the Cherokee Nation? A Yes sir.
Q How long have you resided in the Cherokee Nation?
A I was born in the Cherokee Nation.
Q Have you lived there all your life? A Yes sir.
Q Have you been out side of the Indian Territory in the past three years? A No sir.
Q Have you ever lived anywhere besides in the Cherokee Nation?
A No sir.
Q You are now making application for enrollment as a citizen by blood of the Choctaw Nation? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation?
A I would not be sure, but I think it is.
Tribal rolls of the Choctaw Nation in possession of the Commission are examined and the name of Floyd Nevins, 31 years of age, is found upon the 1898 census roll of the Choctaw Nation, page 248, No. 9861.
The name of Floyd Nevins also appears upon the records of this Commission, on Choctaw roll card, field No. D-533, as having been listed for enrollment as a doubtful claimant to citizenship, December 4, 1898, at Muskogee, Indian Territory.
Q Did you appear before this Commission in December 4th, 1898, and make application for enrollment as a citizen of the Choctaw Nation? A No sir.
Q How was this application made for your enrollment? A I don't know.
Q Did you ever authorize anyone to make application for you?
A No sir, I did not.
Q Was it your intention to make application for enrollment as a citizen of the Choctaw Nation at that time? A Yes sir, I have always wanted to go into the Choctaw Nation, but I have never made application before in my life.
Q This is the first application you have ever made for enrollment as a citizen of the Choctaw Nation? A Yes sir.
Q What is your father's name? A Moses Nevins.
Q Is he living? A No sir.
Q Is he a white man? A No sir, a Cherokee.
Q He a citizen of the Cherokee Nation? A Yes sir.
Q He living? A No sir.
Q When did he die? A I don't remember.
Q He was a recognized and enrolled citizen of the Cherokee Nation?
A Yes sir.
Q Did he die since 1890? A Before that.
Q What is your mother's name? A Julia Nevins.
Q Is she a Choctaw? A Yes sir.

- Q How much Choctaw blood has your mother? A I think she has about 1/8.
- Q Was she ever enrolled by the Choctaw tribal authorities as a citizen of the Choctaw Nation? A Yes sir.
- The Choctaw tribal rolls of 1898, in possession of the Commission, examined, and the name of Julia Nevins is found upon page 248, No. 2849, as 40 years of age.
- The name of Julia Nevins also appears upon the records of this Commission, on Choctaw roll card, field No. 4943, having been listed for enrollment December 4th, 1899, at Muskogee, Indian Territory.
- Q Is your name on any of the tribal rolls of the Cherokee Nation? A Yes sir.
- Q Is your name on the authenticated 1880 roll of the Cherokee Nation? A Yes sir.
- Q Is your name on the script payment roll of 1894? A Yes sir.
- Q On the census roll of 1896? A Yes sir.
- Q Have you made application to this Commission for enrollment as a citizen of the Cherokee Nation? A No sir.
- Q Is it your intention to make such application? A No sir, unless denied citizenship in the Choctaw Nation.
- Q Is it your desire to make your selection of allotments of land in the Indian Territory, as a citizen of the Choctaw Nation? A Yes sir.
- Q In the event that you are enrolled by this Commission as a citizen of the Choctaw Nation, you relinquish all rights in the Cherokee Nation? A Yes sir.

Kate De Bard, being first duly affirmed, states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 23rd day of September, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes, of said proceeding on said date.

Kate D. Bard.

Subscribed and affirmed to before me this 27th day of September, 1900.

Guy L. Emerson
Notary Public.

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Choctaw D-533.

Muskogee, Indian Territory, March 4, 1902.

Floyd Nevins,

Muskogee, Indian Territory.

You are hereby notified that the application of yourself

for enrollment as ^a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 14th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

T. B. Needles.

Register.

Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 14, 1902.

.....
:: In the matter of the application ::
:: of Floyd Havins for enrollment as ::
:: a citizen by blood of the Choctaw ::
:: Nation. ::
.....

D-533.

On the 5th day of March, 1902, the principal applicant was notified by registered mail, and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Floyd Havins for enrollment as a citizen of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee Indian Territory, on the 14th day of April, 1902, for final consideration.

Now on this 14th day of April, 1902, this cause coming on to be heard, pursuant to said notice, the Choctaw Nation failed to appear, and the applicant appeared by his attorney, Thomas H. Owen, and submitted his cause upon the evidence and record as made up.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 14, 1902, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 16 day of April, 1902.

Hal Belford
Clarence M. Wood
Notary Public.

7-D-533

J.W.L.

J.W.L.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Floyd Nevins for enrollment as a citizen by blood of the Choctaw Nation.

- D E C I S I O N -

The census card record in the possession of the Commission and other records in this case show that on December 4, 1899, at Muskogee, Indian Territory, application was made to the Commission for the enrollment of Floyd Nevins as a citizen by blood of the Choctaw Nation, and that at Muskogee, Indian Territory, on September 23, 1900, further proceedings were had in the matter of said application.

It further appears from the evidence submitted in support of this application and from the records in the possession of the Commission, that the applicant herein is the son of Moses Nevins, a citizen by blood of the Cherokee Nation, and Julia Nevins, a citizen by blood of the Choctaw Nation; that said applicant has been recognized and enrolled by the tribal authorities of the Cherokee Nation as a citizen by blood of said tribe of Indians in Indian Territory, his name being identified on the 1880 authenticated roll and the 1896 census roll of the Cherokee Nation; that no personal application has ever been made for the enrollment of this applicant as a citizen of the Cherokee Nation, but on July 1, 1902, he was from information listed on Cherokee doubtful card No. 2572, and no final disposition has yet been made of this application.

It also appears that this applicant has been recognized and enrolled by the authorities of the Choctaw Nation as a citizen by blood of said tribe of Indians in Indian Territory and his name is identified on the 1896 Choctaw census roll, Atoka County, page 249, No. 9851, duly enrolled as a citizen by blood of the Choctaw Nation.

It further appears that this applicant was a resident in good faith of Indian Territory on June 28, 1898, having resided therein during his entire life time.

It also appears that the applicant herein in his testimony before the Commission at Muskogee, Indian Territory, on September 23, 1900, elected to be enrolled and take allotment of lands and distribution of moneys in the Choctaw Nation.

It is, therefore, the opinion of this Commission that Floyd Nevins, in accordance with his said election, is entitled to be enrolled as a citizen by blood of the Choctaw Nation and that the application for his enrollment as such should be granted under

Floyd Nevins-2

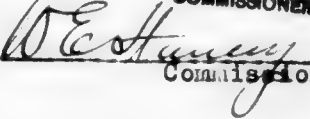
the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Chairman.


Commissioner.


COMMISSIONER


Commissioner.

Muskogee, Indian Territory,

JUL 30 1903

Choctaw-2533

COPY.

Maskoges, Indian Territory, July 30, 1903.

Floyd Nevins,

McCartain, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission, rendered July 30, 1903, granting your application for enrollment as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

Registered.

Enc. En 1-30

COPY.

Choctaw-D533

Muskogee, Indian Territory, July 30, 1903.

Thomas H. Owen,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission, rendered July 30, 1903, granting the application of Floyd Nevins for enrollment as a citizen by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed, the name of the applicant will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

ENCLOSED.

T. B. Needles.

Commissioner in Charge.

Registered.

Enc. No. 64-29

Chectaw-1833

COPY.

Muskogee, Indian Territory, July 30, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered July 30, 1903, granting the application of Floyd Nevins for enrollment as a citizen by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicant herein as a citizen of the Choctaw Nation. If at the expiration of that time, no protest has been filed, the name of the applicant will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

I. B. Needles.
Commissioner in Charge.

Registered.

Reg. No. 2-30

7-D-533.

COPY.

Waskagee, Indian Territory, July 30, 1903.

Cherokee Enrollment Division,

Commission to the Five Civilized Tribes.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered July 30, 1903, granting the application of Floyd Bevins, for enrollment as a citizen by blood of the Choctaw Nation.

respectfully,

(SIGNED)

C. B. Needles.

Commissioner in Charge.

7-D-533

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Floyd Nevins for enrollment as a citizen by blood of the Choctaw Nation.

The applicant, Floyd Nevins, appeared before the Commission at Muskogee, Indian Territory, September 23rd, 1908, and there made application for enrollment as a citizen by blood of the Choctaw Nation.

It appears from the evidence in this case that the applicant, Floyd Nevins, has been enrolled by the tribal authorities of the Cherokee Nation, and also by the tribal authorities of the Choctaw Nation.

That his name appears upon the authenticated tribal roll of the Cherokee Nation of the year 1880, page 438, No. 1046, Canadian District, as Floyd Nevins.

That his name appears upon the strip payment roll of said Cherokee Nation, of the year 1894, page 74, No. 1608, Canadian District, as Floyd Nevins.

That his name also appears upon the census roll of said Cherokee Nation of the year 1896, page 55, No. 1507, Canadian District, as Floyd Nevins.

The testimony in this cause further shows, that the applicant's mother, Julia Nevins, is a duly recognized and enrolled citizen, by blood, of the Choctaw Nation; and that the name of said applicant, Floyd Nevins, appears upon the census roll of said Choctaw Nation of the year 1896, on page 247, Number 2021.

That said applicant has never made application to this Commission for enrollment as a citizen of the Cherokee Nation, and upon the hearing of his application before this Commission, he signified his desire to make his selection of allotment of land in the Indian Territory as a citizen of the Choctaw Nation; and he further agreed, upon said hearing that if he was enrolled as a citizen of said Choctaw Nation, he would relinquish all rights of citizenship in the said Cherokee Nation.

It appears to the Commission, from the evidence adduced in this cause, that the applicant is a duly recognized member of both the Cherokee and Choctaw Nations; that his mother, the said Julia Nevins, is a duly recognized and enrolled member of both of said Nations, but that she is a citizen by blood of the Choctaw Nation, and also an enrolled citizen of the Cherokee Nation; and that said applicant, in making election for enrollment as a citizen of the Choctaw Nation, and a selection for allotment of land and a distribution of moneys belonging to said Choctaw tribe, as such enrolled Choctaw citizen, elects to become enrolled in the tribe of which his said mother is a citizen by blood; and, furthermore, that said applicant comes within the purview and scope of that portion of paragraph 8, Section 21 of the act of Congress approved June 28th, 1898, which provides, that,

"The several tribes may by agreement, determine the right of persons who, for any reason, may claim citizenship in two or more tribes, and to allotment of land and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right."

It is therefore the opinion of the Commission, upon a careful consideration of the evidence in this case, and of the provisions of the act of Congress of June 28th, 1898, above cited and applied thereto, that the applicant, Floyd Nevins, is justly and lawfully entitled to enrollment as a citizen by blood of the Choctaw Nation, and the judgment of this Commission is that he be so enrolled.

Cherokee D-2572.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Floyd Nivens as a citizen by blood of the Cherokee Nation.

DECISION.

The record in this case shows that on June 30, 1902,
Emmet Starr appeared before the Commission at Muskogee, Indian
Territory, and made application for the enrollment of Floyd Nivens
as a citizen by blood of the Cherokee Nation.

The evidence shows that the said Floyd Nivens has been
listed for enrollment by the Commission as a citizen by blood of the
Choctaw Nation, and approved by the Secretary of the Interior, on
October 15, 1903, at number 15010.

It is, therefore, the opinion of this Commission that the
application for the enrollment of Floyd Nivens as a citizen by blood
of the Cherokee Nation should be denied, in accordance with the
provisions of section twenty-eight of the act of Congress approved
July 1, 1902 (32 Stats., 716), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tanis Dwyer

Chairman.

(SIGNED)

E. B. Neasles

Commissioner.

(SIGNED)

C. G. Brookings

Commissioner.

(SIGNED)

W. L. Stanley

Commissioner.

Dated at Muskogee, Indian Territory,

this MAR 10 1904

MEMORANDA.

(Date) Dec 11 1899

24 Name Floyd Mervin
 Choctaw? yes County Otaka Year 76 No. 9851
 Chickasaw? County Year Page 249
 Citizen by blood? yes Mother's citizenship Choctaw
 Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
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County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.

Born raised in Cherokee Nation, never
 lived in Choctaw Nation never enrolled as
 Choctaw until 1896. Mother a recognized
 Choctaw citizen. See if on Cherokee roll

Handwritten signature/initials

COMMISSIONERS
HENRY L. DAWK,
TAMM BIRBY,
THOMAS B. NEEDLES,
C. R. BRICKNIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 24, 1902.

The Choctaw-Chickasaw Enrollment Division,
The Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the
14th instant, enclosing for the information of the Cherokee
Division four copies of the testimony of Vivian Scott Hivens of
January 10, 1902, in the matter of her application to be enrolled
as a citizen by intermarriage of the Choctaw Nation.

As requested in your communication, you will find enclosed
herewith four copies of the testimony in the matter of the appli-
cation of Vivian C. (Scott) Hivens for enrollment as a citizen by
blood of the Cherokee Nation.

Yours truly,



Acting Chairman.

Encl. C-1.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AVESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-2572
Choctaw D-533.

Muskogee, Indian Territory, March 11, 1904.

Commission to the Five Civilized Tribes,
Choctaw-Chickasaw Enrollment Division,
Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the Commission's decision, dated March 10, 1904, rejecting the application for the enrollment of Floyd Nivens as a citizen by blood of the Cherokee Nation.

It appears that application has also been made for the enrollment of this person as a citizen by blood of the Choctaw Nation, and that his name appears upon the Choctaw final roll approved by the Secretary of the Interior, opposite No. 15,010.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. G-17.


Commissioner in Charge.

7-2098

Muskogee, Indian Territory, January 3, 1903.

The Cherokee Enrollment Division,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that Vivian Scott Nevins has this day personally appeared before the Commission and elected under the provision of the twenty first section of the Act of Congress of June 28, 1898, to be finally enrolled by this Commission as a citizen by inter-marriage of the Choctaw Nation by reason of her marriage on January 3, 1901, to Floyd Nevins, a recognized citizen by blood of the Choctaw Nation.

The name of this applicant also appears upon the records of the Cherokee Enrollment Division as Vivian G. Nevins as a recognized and enrolled citizen by blood of the Cherokee Nation, on Cherokee Roll Card Field Number 27.

For your information there is enclosed herewith copy of the testimony taken in this case by the Choctaw-Choctaw Enrollment Division this day.

Respectfully,

Asst. Commr.

Wahkogan, Indian Territory, January 2, 1906.

Cherokee Enrollment Division,
General Office.

Gentlemen:

In determining the right of Floyd Meyers to enrollment as a citizen by blood of the Cherokee Nation, it appears from the records in this case that this applicant appears upon the authenticated tribal rolls of the Cherokee Nation, year 1880, page 36, No. 1046, as Floyd Meyers; on the Strip Payment roll, year 1894, page 74, No. 1003, as Floyd Meyers; and also upon the census roll of the Cherokee Nation, year 18 96, page 35, No. 1507, Canadian District, as Floyd Meyers.

You are requested to advise the Cherokee-Chickasaw Enrollment Division as to the rights of this applicant to Cherokee enrollment, and whether or not application has ever been made for enrollment as a citizen of the Cherokee Nation.

Respectfully,

Commissioner in Charge.

C O P Y

Cherokee D-2572.

Vinita, Indian Territory, January 15, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of the Commission's letter of January 9, Choctaw-D-533, relative to the status as a citizen of the Cherokee Nation of one Floyd Nivens.

In reply I beg to state that Floyd Nivens, is identified upon the 1880 authenticated roll and the 1896 census roll of the Cherokee Nation. No personal application has been made for the enrollment of this person, but on July 1, 1902, he was, from information, listed upon Cherokee doubtful card, D-2572.

No decision has yet been rendered as to the right of Floyd Nivens, to be enrolled as a Cherokee. It appears that on September 23, 1900, he elected to be enrolled as a citizen of the Choctaw Nation and relinquished all of his rights to citizenship as a Cherokee.

I have to request that this office be furnished with a copy of the Commission's decision as to the right of Floyd Nivens to be enrolled as a citizen of the Choctaw Nation.

Respectfully,

(Signed)

P.G. Reuter)

Clerk in Charge

RP.

Choctaw D-695.

COPY.

Muskogee, Indian Territory, August 19, 1903.

Cherokee Enrollment Division,

Commission to the Five Civilized Tribes.

Gentlemen:

There is transmitted herewith a copy of the decision of the Commission, rendered July 30, 1903, granting the application of Vivian Scott Nevins for enrollment as a citizen by intermarriage of the Choctaw Nation.

It appears from our records that this applicant has been recognized by the authorities of the Cherokee Nation as a citizen of that tribe.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

Enclosure:
Choctaw D-695.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-2572.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 28, 1903.


Commission to the Five Civilized Tribes,
Choctaw-Chickasaw Enrollment Division,
General Office.

Gentlemen:

Floyd Nivens, age twenty-seven, on the 1896 Cherokee census roll of Canadian District, number 1507, has been listed for enrollment from information on Cherokee card D 2572. On the Commission's records it appears that this applicant has also been listed for enrollment on Choctaw card D 533.

You are requested to advise the Cherokee Enrollment Division as to the present status as a Choctaw of this applicant.

Respectfully,



Chairman.

7-5684

Muskogee, Indian Territory, December 3, 1903.

Commission to the Five Civilized Tribes,

Cherokee Enrollment Division.

Gentlemen:

Receipt is hereby acknowledged of your letter of November 28, in which you state that Floyd Hivens has been listed for enrollment on Cherokee Card D 2872. You state that it appears that this applicant has also been listed for enrollment upon Choctaw Card D 553 and you therefore ask to be advised the status of the enrollment of this applicant as a citizen of the Choctaw Nation.

In reply to your letter you are informed that Floyd Hivens has been enrolled by this Commission as a citizen by blood of the Choctaw Nation and his enrollment as such was approved by the Secretary of the Interior, October 12, 1903, and his name appears opposite number 15016 of the approved roll of the citizens by blood of the Choctaw Nation.

Respectfully,

Chairman.

COMMISSIONERS:
TAMM BIRNEY,
THOMAS B. NEEDLES,
C. R. BRACKENRIDGE,
W. E. STANLEY.

ALLISON L. AVLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee 27
Choctaw 7-D 695

Muskogee, Indian Territory, January 16, 1904.

Commission to the Five Civilized Tribes,
Choctaw-Chickasaw Enrollment Division,
Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Vivian Scott Nevins, Cherokee Straight Card No. 27, it appears that this applicant has also applied for enrollment as a citizen by inter-marriage of the Choctaw Nation, Choctaw 7-D 695, and that she, on January 3, 1903, elected to be enrolled in the Choctaw Nation.

It is requested that the Cherokee Division be advised as to the present status of this applicant's claim to enrollment in the Choctaw Nation, and that if she has been placed upon the final roll it is requested that her number be given, together with the date of the Department's approval of said roll.

Respectfully,

Chairman.

7-5684

Muskogee, Indian Territory, January 19, 1904.

Commission to the Five Civilized Tribes,
Cherokee Enrollment Division,
Muskogee, Indian Territory.

Gentlemen:

In reply to your letter of the 16th of January 1904,
requesting information relative to the enrollment of Vivian Scott
Hevins as an intermarried citizen of the Choctaw Nation; you are
advised that her name has not yet been placed upon a schedule of
citizens by intermarriage of the Choctaw Nation for forwarding to
the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

COMMISSIONERS:
TAMM BERRY,
THOMAS E. NEEDLES,
C. R. BRICKENRIDGE,
WM. O. BRALL,
Secretary

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHEROKEE D-2572.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 5, 1904.

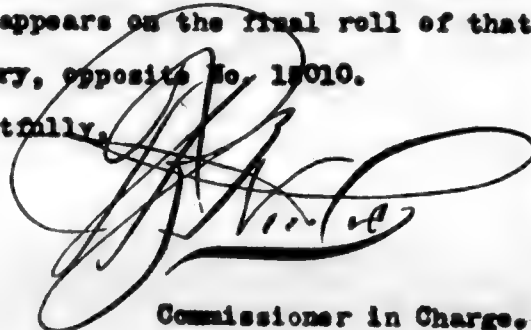
Commission to the Five Civilized Tribes,
Choctaw-Chickasaw Enrollment Division,
General Office.

Gentlemen:

You are hereby advised that the Commission's decision, dated March 20, rejecting the application of Floyd Hivens as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on July 16, 1904.

It appears that application has also been made for the enrollment of this person as a citizen by blood of the Choctaw Nation, and that his name appears on the final roll of that Nation approved by the Secretary, opposite No. 15010.

Respectfully,



Commissioner in Charge.

COMMISSIONER:
THOMAS S. BRIDGES
C. R. BRIDGES
WM. C. BRILL
Secretary

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

0610

CHEROKEE-27
CHOCTAW-5684

Muskogee, Indian Territory, March 2, 1905.

Commission to the Five Civilized Tribes,
Choctaw-Chickasaw Enrollment Division.

Gentlemen:

The records of the Cherokee Division show that application has been made for the enrollment of one Vivian Scott Nevins as a citizen by blood of the Cherokee Nation. The records further show that said Vivian Scott Nevins has made application for enrollment as a citizen by intermarriage of the Choctaw Nation.

It is requested that the Cherokee Enrollment Division be advised whether or not this party has been placed on the final rolls of the Choctaw Nation, and if so, that her number be given, together with the date of the Department's approval of said roll.

Respectfully,

C. R. Bridges

Commissioner in Charge.

Cherokee 27
Choctaw 2484

Muskogee, Indian Territory, March 4, 1906.

Commission to the Five Civilized Tribes,
Cherokee Enrollment Division,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of March 2, 1906, in which you state that the records of the Cherokee Division show that application has been made for the enrollment of one Vivian Scott Nevins as a citizen by blood of the Cherokee Nation and that she has also made application as a citizen by intermarriage of the Choctaw Nation, you therefore request to be advised whether or not this party has been placed on the final rolls of the Choctaw Nation and if so her roll number and the date of the Department's approval of her enrollment.

In reply to your letter you are informed that Vivian Scott Nevins, wife of Floyd Nevins has been enrolled by the Commission as an intermarried citizen of the Choctaw Nation and her enrollment as such was approved by the Secretary of the Interior May 21, 1904, her name appearing opposite No. 884 upon the schedule of intermarried citizens of said Nation.

Respectfully,

Commissioner to Choctaw

Choctaw 5615
Frank Huddleston

Transferred from Choctaw D311
8-15-03

May Huddleston Transferred from
Choctaw 966 1-15-07

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the enrollment
as a citizen by intermarriage of the Choctaw Nation of-

CHARLES W. FLOYD, 7-D-457.

Department of the Interior
Commission to the Five Civilized Tribes
Ada, I.T. November 12, 1902.

Choctaw D-457.

In the matter of the application for enrollment as a citizen by
intermarriage of the Choctaw Nation of Charles W. Floyd.

Charles W. Floyd being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Charles W. Floyd.
Q What is your age? A Twenty-six years old.
Q What is your post office address? A Ada.
Q How long have you lived in the Chickasaw Nation? A I have been
living in the Chickasaw Nation but about two months but I have
lived in the Choctaw.
Q How long did you live in the Choctaw Nation? A Eight years.
Q Continuously? A Yes, sir.
Q For the past two months you have been living in the Chickasaw
Nation? A Yes, sir.
Q Are you an applicant for enrollment as an intermarried citizen
of the Choctaw Nation? A Yes; I suppose an applicant.
Q What was the name of your Indian wife through whom you claim
citizenship rights? A Eliza Huddleston.
Q Is she a recognized and enrolled citizen of the Choctaw Nation?
She always has been.
Q Her rights have never been questioned? A Mrs. Huddleston was a
Choctaw and Caddo Indian, she was adopted too, and I went and
filed a brief in Muskogee; she was always recognized as an Indian
all her life.
Q When were you married to Eliza Huddleston? A In 1898.
Q You appeared before the Commission in '99 did you not? A Yes the
6th of August '99.
Q Where was this marriage ceremony performed? A In Allen Choctaw
Nation.
Q Were both you and your wife residents of the Choctaw Nation at
that time? A Yes, sir.
Q Were you married in accordance with the Choctaw law? A Yes, sir.
Q From whom did you obtain your Choctaw license? A From the
Clerk of Gaines County.
Q How much did you pay for it? A \$100.00
Q Who performed the marriage ceremony? A Doctor Gilmore.
Q Minister of the Gospel? A Yes, sir.
Q Were you ever married before your marriage to Eliza Huddleston?
No, sir.
Q Was she ever married before her marriage to you? A No, sir.
Q Since that marriage have you lived together continuously as
husband and wife? A Yes, sir.
Q You are at the present time living together as bonafide
residents of the Chickasaw Nation? A Yes, sir.
Q Intend to make this your permanent home? A Yes, sir.

G. Rosenwinkel being duly sworn on his oath states that as
stenographer to the Commission to the Five Civilized Tribes he
reported in full all the proceedings had in the above entitled
cause on November 12, 1902 and that the above and foregoing is a
full, true and correct transcript of his stenographic notes in
said cause on said date.

Subscribed and sworn to before me this 12th day of November 1902.

7-D-457

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for enrollment of
Charles W. Floyd as a citizen by intermarriage of the Choctaw Nation.

- D E C I S I O N -

It appears from the record herein that Charles W. Floyd, on August 6, 1899, was married in accordance with laws, customs and usages of the Choctaw Nation to Eliza Floyd (nee Huddleson), a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as number 15016 upon the lists prepared by this Commission under the act of Congress approved July 1, 1902, (32 Stat., 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation, and approved by the Secretary of the Interior on October 15, 1903; that at the time of said marriage both persons above mentioned were residents in good faith of the Choctaw Nation and that they have lived together continuously as husband and wife in Indian Territory since said marriage up to and including September 25, 1902.

It is, therefore, the opinion of this Commission that Charles W. Floyd should be enrolled as a citizen by intermarriage of the Choctaw Nation under the provisions of the Acts of Congress approved June 28, 1898, (30 Stat., 495) and July 1, 1902, (32 Stat., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman

Commissioner.

Commissioner.

Muskogee, Indian Territory,

AUG 31 1904

Choctaw D-487

COPY.

Muskogee, Indian Territory, August 31, 1904.

Charles T. Floyd,

Ada, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered August 31, 1904, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against the action of the Commission in enrolling you as a citizen of the Choctaw Nation. If at the expiration of that time no protest has been filed, your name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

James Birby.

Chairman.

Registered.

File 7-D-487.

Choctaw D-487
COPY.

Muskogee, Indian Territory, August 31, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered August 31, 1904, granting the application for the enrollment of Charles W. Floyd, as a citizen by intermarriage of the Choctaw Nation.

You are hereby notified that you will be allowed ~~fifteen~~ days from the date of this notice within which to file protest against the action of the Commission in enrolling said applicant as a citizen of the Choctaw Nation. If at the expiration of said time no protest has been filed, his name will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

Tatne Bixby.

Chairman.

Registered.

Incl. 7-3-887

For 7-3-784 for receipt receipt for this letter

7-D-311

L & D.
J.H.H.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Frank Huddleston, Sophia Huddleston, Lucy J. Huddleston, Walter J. Huddleston, May Huddleston, Eliza Floyd and Huddleston Floyd as citizens by blood of the Choctaw Nation.

- D E C I S I O N -

It appears from the census card and other records in this case that Sinie Huddleston appeared before the Commission at Calvin, Indian Territory, August 9, 1899, and made personal application for the enrollment of herself and her six minor children, Frank Huddleston, Sophia Huddleston, Lucy J. Huddleston, Walter J. Huddleston, May Huddleston and Eliza Floyd, as citizens by blood of the Choctaw Nation. Thereafter, on April 19, 1901, written application was made to the Commission for the enrollment of Huddleston Floyd, infant child of Eliza Floyd and Charles W. Floyd, a non-citizen, proper proof of the birth of said child on April 10, 1901, being supplied this Commission on the date of said application.

Further proceedings were had in the matter of these applications at Muskogee, Indian Territory, April 8, 1902. Proof of the death of Sinie Huddleston, the principal applicant herein, on January 27, 1902, was filed with the Commission April 17, 1902.

It further appears from the evidence in this case and the records in the possession of the Commission that Sinie Huddleston, now deceased, was the daughter of William Smallwood (deceased), a duly recognized and enrolled citizen by blood of the Choctaw Nation, and Eliza (deceased), a Caddo Indian, and that the minor applicants herein claim their right to enrollment by reason of their descent from Sinie Huddleston, the principal applicant in this case.

On an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, the names of Frank Huddleston, Sophia Huddleston, Lucy J. Huddleston (as Louisa Huddleston), Walter J. Huddleston, May Huddleston and Eliza Floyd (as Eliza Huddleston) are identified on the 1893 Choctaw leased district payment roll, Atoka County, page 48, Nos. 513, 515, 516, 517, 518 and 514, respectively. The names of Frank Huddleston (as Frank Hudlson), Sophia Huddleston (as Sophia Hudlson), Lucy J. Huddleston (as Lucy Hudlson), Walter J. Huddleston (as Walter J. Hudlson), May Huddleston (as May Hudlson) and Eliza Floyd (as Eliza Hudlson) are also identified on the 1896 Choctaw census roll as citizens by blood of the Choctaw Nation, Nos. 6072, 6074, 6075, 6076, 6077 and 6073, respectively. The minor applicant, Huddleston Floyd, having been born subsequent to the preparation of the last tribal roll of the Choctaw Nation, is identified by proper affidavits of birth filed with the Commission and made a part of the record in this case.

It further appears from the evidence herein that all of the applicants who were living on June 28, 1898, were residents in

Frank Huddleston, et al.-2

good faith of Indian Territory at that time and had so resided in said Territory all their lives prior thereto. The minor applicant, Huddleston Floyd, was born in Indian Territory subsequent to June 28, 1898, and has always lived in said Territory.

It is, therefore, the opinion of this Commission that Frank Huddleston, Sophia Huddleston, Lucy J. Huddleston, Walter J. Huddleston, May Huddleston, Eliza Floyd and Huddleston Floyd should be enrolled as citizens by blood of the Choctaw Nation under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

It is further the opinion of this Commission that the application for the enrollment of Sinie Huddleston, who died prior to September 25, 1902, should be dismissed, under the provisions of section twenty-eight of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Chairman.

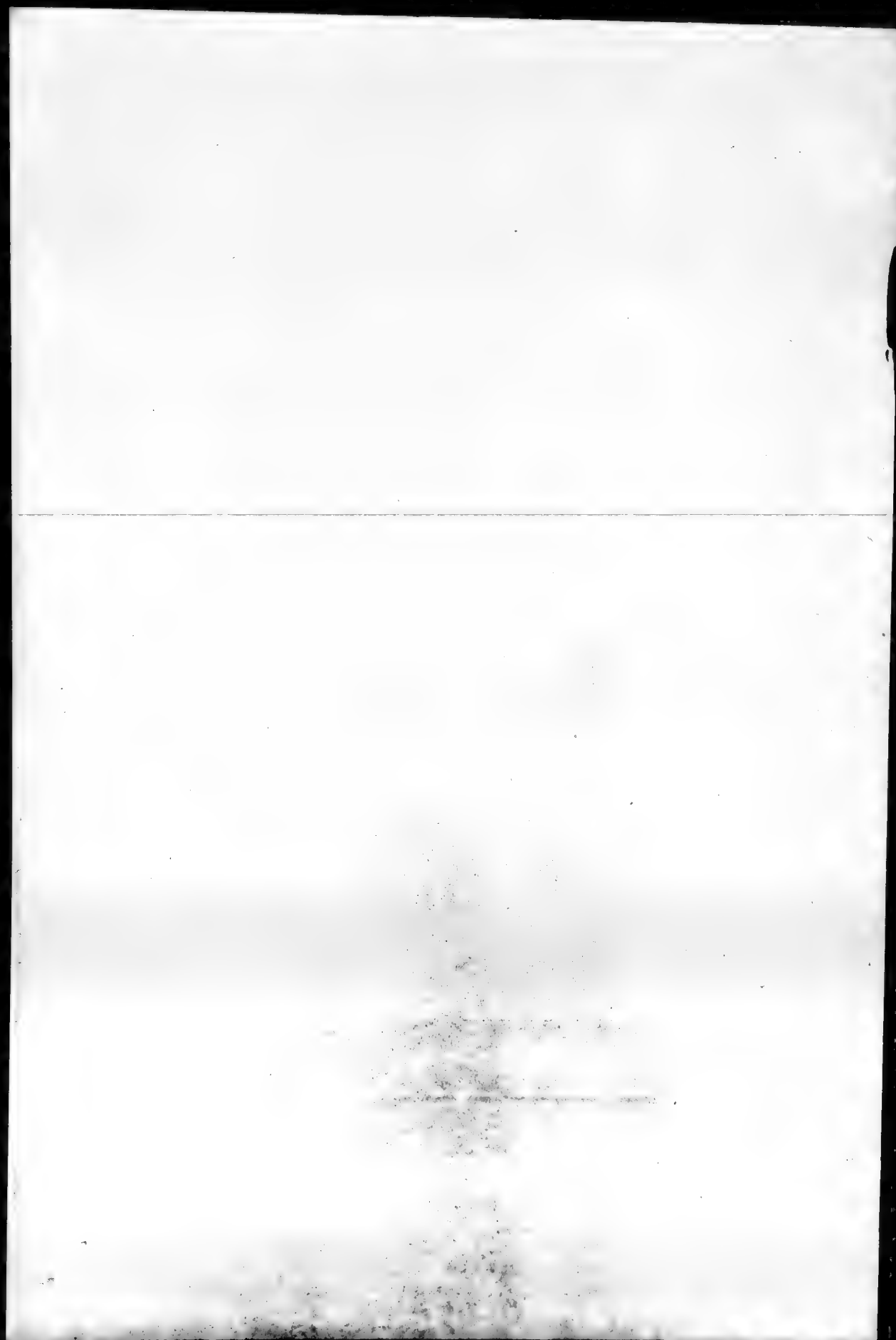

Commissioner.


Commissioner.

Muskogee, Indian Territory,

JUL 30 1903


COMMISSIONER.



Original

Department of the Interior.
Commission to the Five Civilized Tribes.
South Muskogee, Indian Territory.
December 23, 1902.

In the matter of the application of May Huddleston for enrollment as an intermarried citizen of the Choctaw Nation.

May Huddleston being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A May Huddleston.
Q How old are you? A Eighteen years old.
Q What is your post office address? A Allen, I.T.
Q Is that in the Choctaw Nation? A Yes, sir.
Q How long have you been a resident of the Choctaw Nation? A About seven years.
Q Have you lived here continuously for the past seven years? A Yes, sir.
Q What is the name of your father? A Billy Smith.
Q Is he living or dead? A Living.
Q What is the name of your mother? A Emma Smith.
Q Living or dead? A Living.
Q Are both your parents white persons? A Yes, sir.
Q Have either ever made application for enrollment as members of any Indian tribe? A No, sir.
Q Do you wish to make application for enrollment as an intermarried citizen of the Choctaw Nation? A Yes, sir.
Q Have you ever made application to this Commission prior to this time for enrollment? A No, sir.
Q What is the name of your Choctaw husband through whom you claim this right? A Frank Huddleston.
Q Is he a recognized and enrolled citizen of the Choctaw Nation? A Yes, sir.

The name of the applicant's husband, Frank Huddleston, appears on the records of the Commission on Choctaw D. Card No. 311, he having been identified on the 1896 Choctaw Census Roll, Adams County, No. 8072.

- Q When did you marry Frank Huddleston? A 24th September.
Q This year? A Yes, sir.
Q That was the only time you had ever been married to him? A Yes, sir.

The Commission is without authority to make any record of your application for enrollment as an intermarried citizen of the Choctaw Nation as you were not married to this Choctaw husband prior to the passing of the act of Congress of July 1, 1902, commonly known as the Choctaw-Choctaw Agreement.

Chas. Biffenbarger being first duly sworn states that he is attorney at law for the Commission to the Five Civilized Tribes, and he reported the proceedings in the above entitled cause, and the

Original
N. N.-2

the foregoing is a full, true and correct transcript of his stenographic notes taken in said case on said date.

Chas. Duffendaffer

Subscribed and sworn to before me this 3d day of January 1903.

Charles H. Hickey

Notary Public.

7-D-966.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

--oOo--

In the matter of the application of May Huddleston for enrollment as a citizen by intermarriage of the Choctaw Nation.

--oOo--

It appears from the record herein that May Huddleston appeared in person before the Commission at South McAlester, Indian Territory on December 23, 1902, and sought to make application for enrollment as a citizen by intermarriage of the Choctaw Nation, claiming the right thereto by reason of her marriage on September 24, 1902, to Frank Huddleston, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name appears as No. 18011 upon the lists prepared by this Commission under the act of Congress approved July 1, 1902, (32 Stats. 641), of persons entitled to enrollment as citizens by blood of the Choctaw Nation, and approved by the Secretary of the Interior on October 16, 1903.

It further appears from the record herein that the applicant was never married to said Frank Huddleston prior to said marriage on September 24, 1902.

By section 34 of the act of Congress approved July 1, 1902, (32 Stats., 641), this Commission is authorized to receive the applications only of

".....such intermarried white persons as may have married recognized citizens of the Choctaw and Chickasaw Nations in accordance with the tribal laws, customs and usages on or before the date of the passage of this act by Congress" etc.

It is, therefore, the opinion of this Commission that it has no power or authority to receive or consider any application for the enrollment of May Huddleston as a citizen by intermarriage of the Choctaw Nation, and that it should decline to receive the same, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Muskogee, Indian Territory,
JAN 19 1905

Commissioner.

Choctaw D 966

COPY.

Muskogee, Indian Territory, January 19, 1906.

May Huddleston,

Allen, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated January 19, 1906, declining to receive your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The order, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

W. G. BIRBY

Wm Bixby

Chairman.

Registered.

Incl. 7-D-966.

Chester D-933.

COPY.

Maskogee, Indian Territory, January 19, 1905.

Mansfield, McMurray & Cernish,
Attorneys for Cheatew and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission, dated January 19, 1905, declining to receive the application for the enrollment of May Eddleston as a citizen by intermarriage, of the Cheatew Nation.

The order, with a copy of the proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

EDGEMER.

James Bixby
CHAIRMAN.

Incl. 7-D-933.

COPY.

Muskogee, Indian Territory, January 19, 1905.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record in the matter of the application for the enrollment of May Huddleston as a citizen by intermarriage of the Choctaw Nation, including the order of the Commission, dated January 19, 1905, declining to receive said application.

Respectfully,

(SIGNED).

James Bixby

CHAIRMAN.

Through the
Commissioner of Indian Affairs.

2 Incl. 7-B-966.

Land.
5858-1905.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, January 31, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 19, 1905, transmitting the record of the application for enrollment as a citizen by intermarriage of the Choctaw Nation by May Huddleston.

January 19, 1905, the Commission decided adversely to the applicant.

The record shows that the applicant was married to Frank Huddleston a recognized and enrolled citizen by blood of the Choctaw Nation, on September 24, 1902.

In view of the record and of Section 34 of the act of Congress of July 1, 1902 (32 Stats., 641) the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M. M. M.
V.

(COPY)

G. R. LLB

DEPARTMENT OF THE INTERIOR,
WASHINGTON,

D. C. 18544-1905.
I. T. D. 1150-1905.
LRS.

April 5, 1905.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 19, 1905, you transmitted the record of the application of May Huddleston for her enrollment as a citizen by intermarriage of the Choctaw Nation, including your decision dated January 19, 1905, adverse to the applicant.

January 31, 1905, the Acting Commissioner of Indian Affairs reporting in the matter, recommended that your decision adverse to the applicant be affirmed. A copy of his letter is herewith inclosed.

The Department concurs in the recommendation made and your decision, dated January 19, 1905, adverse to the applicant is hereby affirmed.

Respectfully,

Thos Ryan,

Acting Secretary.

1 inclosure.

7-B-966.

COPY!

Muskogee, Indian Territory, April 18, 1906.

May Huddleston,

Allen, Indian Territory,

Dear Madam:

You are hereby notified that on the 8th day of April, 1906, the Secretary of the Interior affirmed the decision of this Commission, rendered January 19, 1905, declining to receive your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED

Tams Bixby

Chairman.

7-D-966

COPY.

Muskogee, Indian Territory, April 18, 1908.

Manfield, Murray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 5th day of April, 1908, the Secretary of the Interior affirmed the decision of this Commission, rendered January 19, 1908, declining to receive your application for the enrollment of May Haddleston as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED

James Bixby

Chairman.

January 27th., 1906.

COPY.

Commissioner of Indian Affairs,
Washington, D. C.

Dear Sir:

There is submitted herewith a Motion for Rehearing in the matter of the application of the enrollment of May Huddleston, as a citizen by intermarriage of the Choctaw Nation which we respectfully ask that you file in said cause and we should be glad to have an opportunity to file a brief in connection therewith. Will you please advise us of your action in the premises.

Yours very truly,

Blanton & Andrews.

10135

Encl. No.

2

1900

IN THE MATTER OF THE APPLICATION
OF MAY HUDDLESTON FOR ENROLLMENT
AS A CITIZEN BY INTERMARRIAGE OF
THE CHOCTAW NATION.

MOTION FOR REHEARING.

BEFORE THE COMMISSIONER OF
INDIAN AFFAIRS.

DEPARTMENT OF THE INTERIOR
RECEIVED
FEB 7 - 1900
Enc. No. 3 of No. 2154
INDIAN TERRITORY DIVISION

BLANTON & ANDREWS,

ATTORNEYS FOR APPLICANT.

7

DEPARTMENT OF THE INTERIOR.
COMMISSIONER OF INDIAN AFFAIRS.

IN THE MATTER OF THE APPLICATION
OF MAY HUDDLESTON FOR ENROLLMENT
AS A CITIZEN BY INTERMARRIAGE OF
CHOCTAW NATION.

MOTION FOR REHEARING.

The Applicant, May Huddleston, would respectfully show that on the 24th., day of September 1902 she was lawfully married at Allen, in the Choctaw Nation, Indian Territory, according to the laws and customs of the Choctaw Tribe or Nation of Indians, to Frank Huddleston, a citizen by blood of the Choctaw Nation or Tribe of Indians and duly enrolled as such.

That afterward, and before the 25th., day of December 1902 on about the 23rd., of said month, your applicant made application to the Commission to the Five Civilized Tribes, for enrollment as a citizen by intermarriage of the Choctaw Nation which application was received and heard by said Commission and afterward by them denied, and that the action of the said Commission to the Five Civilized Tribes was thereafter by the Honorable Secretary of the Interior affirmed, and the enrollment of your applicant as a citizen of the Choctaw Nation by intermarriage thereby denied.

Your Applicant would respectfully urge that the action of the Commission to the Five Civilized Tribes and the action of the Secretary thereon was and is erroneous and was and is prejudicial to your Applicant and her rights as a citizen of the Choctaw Nation were thereby jeopardized, and will be finally denied her unless such action is reviewed and reversed.

Wherefore your Applicant respectfully prays that the judgment of the Commission to the Five Civilized Tribes denying the

the application of your Applicant for enrollment as a citizen of the Choctaw Nation by intermarriage, and the action of the Honorable Secretary of the Interior thereon, be set aside and your Applicant granted a REHEARING in said matter and upon such rehearing that your Applicant be enrolled as a citizen by intermarriage of the Choctaw Nation.

Respectfully Submitted,

J. S. Blanton
J. C. Huddleston
Attorneys for Applicant.

United States of America,
Southern District,
Indian Territory.

I, May Huddleston do solemnly swear that I have read the above and foregoing application for a rehearing in the matter of my application for enrollment as a citizen by intermarriage of the Choctaw Nation, that I am the identical person mentioned in said application and that the matters and things set forth in said application are true.

May Huddleston

Subscribed and sworn to before me this the 27th., day of January 1906.

B. H. Epperson
Notary Public, Southern District,
Indian Territory.

Copy

August 31, 1906.

COPY.

Commissioner of Indian Affairs,
Washington, D. C.

Dear Sir:

Somemonths ago we filed a motion for rehearing in re application of May Huddleston for enrollment as an intermarried citizen of the Choctaw Nation. This woman was one of the class who married before the 25th day of September 1902 and after July 1, 1902 and who made no application for enrollment prior to the 25th of September 1902. We are advised that the Attorney General's Department has recently held that such applicants are entitled to enrollment, and we will be pleased to know the present status of our application for rehearing in this matter of our client.

Thanking you for your reply hereto, we are,

Yours very truly,

Blanton & Andrews.

I.T.D.1150-1905
2154-1906

DEPARTMENT OF THE INTERIOR,
WASHINGTON. October 15, 1906.

JP

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In view of the provisions of section 1 of the act of congress approved April 26, 1906 (34 Stat., 137), and in accordance with the approved opinion of the Assistant Attorney-General for this Department, dated August 10, 1906, in the case of Elsie J. Oakes (I.T.D.14010), and Birdie Rosenthal (14012), a motion for reopening and reconsideration of the application made December 23, 1902, by May Muddleston, for her enrollment as an intermarried citizen of the Choctaw Nation, is hereby granted. Departmental action of April 5, 1905 (I.T.D.1150), affirming the decision of the Commission to the Five Civilized Tribes of January 19, 1905, declining to receive said application on the ground that it had no authority to receive an application made December 23, 1902, for the reason it did not appear therefrom that applicant was intermarried on or before the date of the passage of the act of July 1, 1902, as required by section 34 thereof, is hereby set aside.

Said application having been made prior to December 1, 1905, the record is remanded and returned to you for rehearing and readjudication of the application under the above act. You will so advise Messrs. Blanton and Andrews, of Pauls Valley, Indian Territory, attorneys for moving party.

Respectfully,

Thos Ryan

Acting Secretary

Through the Commissioner
of Indian Affairs.

1 inclosure.

7-D-966.

Muskogee, Indian Territory, October 25, 1906.

May Huddleston,

Allen, Indian Territory,

Dear Madam:

The Department on October 15, 1906, in view of Section One of the Act of Congress approved April 26, 1906 (34 Stats., 137), rescinded its action of April 5, 1905, affirming the decision of the Commission to the Five Civilized Tribes of January 19, 1905, declining to receive the application for your enrollment as a citizen by intermarriage of the Choctaw Nation, and remanded said case for rehearing and readjudication under the provisions of said act.

In accordance therewith, you are advised that the Commissioner to the Five Civilized Tribes will at his office at Muskogee, Indian Territory, on Monday, November 12, 1906, at nine o'clock A. M., hear such testimony and receive such other evidence as may be submitted in support of said application.

Respectfully,

Commissioner.

7-D-966.

Muskogee, Indian Territory, October 25, 1906.

Blanton & Andrews,

Attorneys at Law,

Pauls Valley, Indian Territory.

Gentlemen:

The Department on October 15, 1906, in view of Section One of the Act of Congress approved April 26, 1906, rescinded its action of April 5, 1905, affirming the decision of the Commission to the Five Civilized Tribes of January 19, 1905, declining to receive the application for the enrollment of May Huddleston as a citizen by intermarriage of the Choctaw Nation, and remanded said case for rehearing and readjudication under the provisions of said act.

In accordance therewith, you are advised that the Commissioner to the Five Civilized Tribes will at his office at Muskogee, Indian Territory, on Monday, November 12, 1906, at nine o'clock A. M., hear such testimony and receive such other evidence as may be submitted in support of said application.

For your information a copy of Departmental letter is inclosed herewith.

Respectfully,

LBA 25-3.

Commissioner.

7-D-966.

Muskogee, Indian Territory, October 25, 1906.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

The Department on October 15, 1906, in view of Section One of the Act of Congress approved April 26, 1906, rescinded its action of April 5, 1905, affirming the decision of the Commission to the Five Civilized Tribes of January 19, 1905, declining to receive the application for the enrollment of May Huddleston as a citizen by intermarriage of the Choctaw Nation, and remanded said case for rehearing and readjudication under the provisions of said act.

In accordance therewith, you are advised that the Commissioner to the Five Civilized Tribes will at his office at Muskogee, Indian Territory, on Monday, November 12, 1906, at nine o'clock A. M., hear such testimony and receive such other evidence as may be submitted in support of said application.

For your information a copy of Departmental letter is inclosed herewith.

Respectfully,

IBA 25-4.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., November 12, 1906.

7-D-966

In the matter of the application for the enrollment of
MAY HUDDLESTON as a citizen by intermarriage of the Choctaw Nation.

APPEARANCES:

L. C. Andrews, of Branton & Andrews, of Paul's Valley, Indian
Territory, appears on behalf of applicant.

No appearance on behalf of the Choctaw & Chickasaw Nations.

MAY HUDDLESTON, being duly sworn and examined, testified
as follows:

On behalf of Commissioner:

- Q What is your name?
A May Huddleston.
Q How old are you?
A I am 21.
Q What is your postoffice?
A Ada.
Q Through whom do you claim your right as an intermarried Choctaw -
who did you marry?
A Frank Huddleston.
Q When were you married to Frank Huddleston?
A 24th day of September, 1902.
Q Who married you?
A Professor D. J. Austin.
Q What position did he occupy - minister of the Gospel or an
official?
A Minister of the Gospel.
Q Where does he live?
A Oshtie.
Q Who was present when you married Frank Huddleston?
A Just me. My parents were there.
Q How old was Frank Huddleston when you married him?
A He was 23 I believe.
Q What is the name of his father?
A Jim Huddleston, I believe.
Q What is the name of his mother?
A Sinie Huddleston.

Frank Huddleston, through whom the applicant claims her in-
termarried rights, is identified upon Choctaw field card No.
9888 opposite No. 13611, approved by the Secretary of the

Interior October 15, 1903.

Q Are you a white woman?
A Yes sir.
Q What is the name of your father?
A Billy Smith.
Q And your mother?
A Em Smith.
Q Both living?
A Yes sir.
Q Both white people and citizens of the United States?
A Yes sir.
Q Where were you living at the time you married Frank Huddleston?
A Allen, Indian Territory.
Q How long did you live there?
A Six years.
Q Where was Frank Huddleston living at that time?
A Allen.
Q Since you married, have you lived together continuously as husband and wife?
A Yes sir.
Q At what place, what Nation?
A Choctaw Nation and Chickasaw.
Q You were married in the Choctaw Nation, were you not?
A Yes sir.
Q And how long did you live there after you were married?
A Two years.
Q Had you ever been married before you married Frank Huddleston?
A No sir.
Q Had Frank Huddleston ever been married before he married you?
A No sir.

By L. C. Andrews:

Q Do you remember anything about what became of your marriage license, Mrs. Huddleston?
A We left it at the Commission at McAlester, I think.
Q When was that?
A 24th of December, 1902.
Q Have you seen them since?
A No sir.

On behalf of Commissioner:

Q Did you get a license from the United States Court at South McAlester?
A No sir.
Q Where did you get your license from?
A Canadian.

Witness dismissed.

FRANK HUDDLESTON, being sworn and examined, testified as follows:

On behalf of Commissioner:

Q What is your name?
A Frank Huddleston.
Q How old are you?
A I am nearly 28 years old - past 27.
Q You have been finally enrolled as a citizen by blood of the Choctaw nation?
A Yes sir.
Q Selected your allotment?
A Yes sir.
Q When were you married, Mr. Huddleston?
A 24th of September, 1902.
Q Who married you?
A Professor D. J. Austin.
Q Where were you married?
A At Allen.
Q Had you ever been married before you married May Huddleston?
A No sir.
Q Had she been married to your knowledge?
A No sir.
Q Did you get a certificate of marriage?
A Yes sir.
Q Was that recorded?
A Yes sir.
Q At what place?
A South Canadian, I think.
Q In the office of the County Clerk?
A Yes sir.
Q What County is that?
A They called it Coal County.
Q Is that the name of it now?
A Tobacco County now.
Q Who was the clerk of the Court at that time?
A Will T. Walker.

By L. C. Andrews:

Q Were you with your wife at any time when she made application for enrollment before the Commission?
A I was there with her.
Q Where was it?
A South McAlester.
Q When?
A I don't - just before Christmas, 1902 - within the 90 days of the time the supplementary treaty was ratified.
Q Do you know what became of your marriage license?
A I think it was left with the Commission.
Q Have you seen them recently?

A. No sir.

(Witness dismissed.)

On behalf of Commissioner:

The original marriage certificate showing the marriage of Frank Huddleston to May Smith is found in the record in the matter of the application for the enrollment of Frank Huddleston, Jr., 7-N.B.-420.

I, May Hudson, state upon oath that as stenographer to the Commissioner to the Five Civilized Tribes I correctly recorded the testimony herein and that the foregoing is a true and complete transcript of my stenographic notes thereof. (E. & O.E.)

May Hudson

Subscribed and sworn to before me this 13th day of November, 1906.

Walter W. Chappell
Notary Public.

(copy)

MARRIAGE LICENSE.

The Cheetaw Nation)
Indian Territory, : SS.
Tobuckay County.)

To any Minister of the Gospel, Judge or any person in the Cheetaw Nation authorized to solemnize the rites of matrimony, Greeting:

Whereas, Frank Huddleston, a citizen of the Cheetaw Nation, has duly made application to the undersigned, Clerk of the County and Probate Court, within and for the County of Tobuckay, Cheetaw Nation, for a license to enter into the Bonds of Matrimony with Miss May Smith a citizen of the United States. And the undersigned being satisfied that the said Frank Huddleston is a suitable person to be granted license to enter into the Bonds of Matrimony with the said Miss May Smith

Now, I therefore grant unto the said Frank Huddleston a license to marry the said Miss May Smith. And any minister of the Gospel, Judge or any person authorized to solemnize the rites of Matrimony, is hereby authorized to join in Matrimony the said Frank Huddleston and the said Miss May Smith.

In testimony whereof I, Will T. Walker, County and Probate Clerk, in and for the County of Tobuckay, Cheetaw Nation, have hereunto set my hand and seal of said Court, this 23rd day of September, A. D. 1902.
Seal.

(Signed) Will T. Walker, Clerk.

CERTIFICATE OF MARRIAGE.

CHEETAUW NATION)
Tobuckay County.) SS

I, D. J. Austin, a Minister, do hereby certify that on the 24th day of September, A. D. 1902, I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

Witness my hand this 24th day of September, A. D. 1902.

My credentials are recorded in the office of the Clerk of the U.S. Court at So. McAlester, I.T.

(Signed) D. J. Austin, a Minister.

Filed this Oct. 4, 1902, and duly recorded in Book D. page 362 of the records of Tobuckay Co., Cheetaw Nation, I.T.

(Signed) Will T. Walker,
Co. & Pro. Clerk Tobuckay Co.C.N.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
F I L E D

Jul 21, 1905.

Tams Bixby, Commissioner.

I hereby certify that the above and foregoing is a true and complete copy of the marriage license and certificate on file in the office of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Frank Huddleston, Jr., 7-NE-420.

May Hudson

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
May Huddleston as a citizen by intermarriage of the Choctaw Nation.

-----ooOoo-----

It appears from the record herein that on December 23, 1902, May Huddleston appeared before the Commission to the Five Civilized Tribes at South McAlester, Indian Territory, and made application for enrollment as a citizen by intermarriage of the Choctaw Nation.

On January 19, 1905, the Commission to the Five Civilized Tribes rendered its decision therein refusing to receive or consider any application for the enrollment of May Huddleston as a citizen by intermarriage of the Choctaw Nation for the reason that said applicant had not been married to her Choctaw husband on or before the date of the passage of the Act of Congress approved July 1, 1902 (32 Stats., 641), as provided in Section 34 thereof. Said decision was affirmed by the Department on April 5, 1905 (I. T. D. 1150-1905).

The Department on October 15, 1906 (I. T. D. 1150-1905, 2154-1906), rescinded its action of April 5, 1905, and remanded the record herein for a rehearing and readjudication under the provisions of Section One of the Act of Congress approved April 26, 1906 (34 Stats., 137).

I am of the opinion that inasmuch as the records in charge of the Commissioner to the Five Civilized Tribes show that application was made for the enrollment of May Huddleston as a citizen by intermarriage of the Choctaw Nation within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), the same should now be determined upon its merits, and it is so ordered.


Commissioner.

Muskogee, Indian Territory,

Dec 21 1906.

7-D-966.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
May Huddleston as a citizen by intermarriage of the Choctaw Nation.

D E C I S I O N.

It appears from the record herein that application was
duly made for the enrollment of May Huddleston as a citizen by in-
termarriage of the Choctaw Nation within the time limited by the
provisions of the Act of Congress approved April 26, 1906 (34
Stats., 137).

It further appears from the record herein that on Septem-
ber 24, 1902, the applicant, May Huddleston, was lawfully married
to Frank Huddleston, a recognized and enrolled citizen by blood of
the Choctaw Nation, whose name appears as number 15011 upon the
final roll of citizens by blood of the Choctaw Nation approved by
the Secretary of the Interior October 15, 1903; that at the time of
said marriage both persons above mentioned were residents in good
faith of the Choctaw Nation; and that they lived together contin-
uously as husband and wife in said nation from the date of said
marriage up to and including September 25, 1902.

I am, therefore, of the opinion that May Huddleston
should be enrolled as a citizen by intermarriage of the Choctaw
Nation under the provisions of the Acts of Congress approved June
26, 1898 (30 Stats., 495), and July 1, 1902 (32 Stats., 641), and
it is so ordered.



Commissioner.

Muskogee, Indian Territory,

DEC 31 1906

7-D-266

COPY.

Muskogee, Indian Territory, December 31, 1906.

May Huddleston,

Allen, Indian Territory,

Dear Madam :--

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered December 31, 1906, granting your application for enrollment as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against your enrollment. If at the expiration of that time no protest has been filed, the name of May Huddleston will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED *James Bixby*

Commissioner.

JWH 51-32

Registered.

7-D-968

COPY

Muskogee, Indian Territory, December 31, 1906.

Blanton & Anderson,

Attorneys at Law,

Pauls Valley, Indian Territory.

Gentlemen :--

You are hereby notified that the Commissioner to the Five Civilized Tribes, on December 31, 1906, rendered his decision granting the application for the enrollment of May Riddleston as a citizen by intermarriage of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from the date of this notice within which to file protest against her enrollment. If at the expiration of that time no protest has been filed, the name of May Riddleston will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED *James Bixby*

Commissioner.

Registered.

7-D-966

COPY.

Muskogee, Indian Territory, December 31, 1906.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen :--

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered December 31, 1906, granting the application for the enrollment of May Huddleston as a citizen by intermarriage of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file pretest against her enrollment. If at the expiration of that time no pretest has been filed, the name of May Huddleston will be placed upon the final roll of citizens by intermarriage of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED *Tamie Bixby*

Commissioner.

JWH 31-33

Registered.

Kuskoge, Indian Territory, January 3, 1907.

The Honorable,

The Secretary of the Interior.

Sir.

January 19, 1905, the Commission to the Five Civilized Tribes rendered a decision declining to receive the application for the enrollment of May Huddleston as a citizen by intermarriage of the Choctaw Nation and on April 5, 1905 (I.T.D. 1150-1905) this action was approved by the Secretary of the Interior.

October 15, 1906 (I.T.D. 2154-1906) the records in this case was remanded by the Department for readjudication under Section One of the Act of Congress approved April 26, 1906.

November 12, 1906, additional proceedings were had in this case. December 21, 1906, a decision was rendered holding that application was made for the enrollment of May Huddleston as a citizen by intermarriage of the Choctaw Nation within the time provided by the Act of Congress approved April 26, 1906, and on December 31, 1906, a decision was rendered granting her application for enrollment as such citizen.

The applicant, her attorneys of record and the attorneys for the Choctaw and Chickasaw Nations were notified of said action and were advised that the attorneys for the nations would be allowed fifteen days from the date of notice within which to file protest against the enrollment of May Huddleston as a citizen by intermarriage of the Choctaw Nation, and if no protest has been filed at the expiration of said time, the name of the applicant will be placed upon the next schedule of citizens by intermarriage of said nation to be prepared for forwarding the Secretary of the Interior.

Respectfully,

Commissioner.

Through the
Commissioner of Indian Affairs.

Choctaw D-966.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 8, 1902.

.....
:: In the matter of the appli- ::
:: cation of Sinie Huddleston for ::
:: the enrollment of herself, her ::
:: six minor children, Frank Hud- ::
:: dleston, Sophia Huddleston, ::
:: Lucy J. Huddleston, Walter J. ::
:: Huddleston, May Huddleston and ::
:: Eliza Floyd, and her minor grand- ::
:: child, Huddleston Floyd, as cit- ::
:: izens by blood of the Choctaw ::
:: Nation. ::
.....

D-311.

On the 28th day of February, 1902, the principal applicant was notified by registered mail, and on the 6th day of March the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Sinie Huddleston for the enrollment of herself, her minor children and her minor grandchild as citizens of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 8th day of April, 1902, for final consideration.

Now on this 8th day of April, 1902, this cause coming on to be heard pursuant to said notice, the following proceedings were had:

APPEARANCES:

J. S. Heard, attorney for :
the applicant. :
:
Milburn Harrison, witness :
on behalf of the applicant. :

No appearance on behalf :
The Choctaw and Chickasaw :
:
Nations. :

(2).

Hilburn Harrison, being first duly sworn, upon his oath testifies as follows:

Examination by the Commission.

- Q What is your name, please sir? A Hilburn Harrison.
Q What is that? A I spell it H-i-l-b-u-r-n H-a-r-r-i-s-o-n .
Q Harrison, Hilburn Harrison? A Yes sir.
Q Where do you live, Mr. Harrison? A I live about four miles above Calvin.
Q Above Calvin; Choctaw Nation? A Yes sir.
Q Are you a citizen of the Choctaw Nation? A By blood.
Q You are regularly enrolled as a citizen? A Yes sir.
Q Did you know Sinie Huddleston during her lifetime? A Yes sir.
Q Who was her father? A William Smallwood.
Q William Smallwood; was he a white man or a Choctaw? A Half breed Choctaw.
Q Halfbreed Choctaw; is he living or dead? A He died a short time ago.
Q How long ago? A I think it must have been in March from what I heard; my son told me a short time ago.
Q March this year? A yes sir.
Q Will Smallwood; we are talking about William Smallwood the father of Mrs. Huddleston, now? A Yes sir.
Q What was her mother's name? A 'Liza.
Q What was her maiden name? A That was all her name; she was always called aunt Liza.
Q What was she? A white woman or Choctaw? A Neither one.
Q What was she then? A Caddo.
Q Where did Smallwood live when he died last March? A He lived in Kiamichi County; Nelson was his post office.
Q Was he recognized by the Choctaws as a citizen, by the authorities? A Yes sir.
Q Do you know whether or not he was on any of the rolls? A Yes, he was on it I think.
Q You say he was the father of Mrs. Huddleston? Was the father of Mrs. Huddleston; Sinie Huddleston? A He was the father of Sinie Huddleston.
Q How long have you known Sinie Huddleston? A I expect I have been knowing her for the last forty-five years.
Q Forty-five years; do you know her husband? A I got acquainted with the old gentleman since they have been married and moved from the Chickasaw Nation down here in the Choctaw Nation.
Q Is he living or dead? A He's dead.
Q How long has he been dead? A Something a little over three years a little over three years.
Q Did Sinie Huddleston have any children? A Yes sir.
Q Can you name the oldest one? A Frank Huddleston.
Q Do you know about how old he is now? A Well, I only know by what his mother told me, but I suppose he was about twenty-four years old.
Q Do you know what the next one's name is; next oldest? A Yes sir the next one's named Liza. She's married; she's Mrs. Liza Floyd now.

(3).

Q Well, what was the next one's name? A Sophia.
Q Sophia-----what is the next one's name? A Lucy.
Q Lucy-----what is the next one's name? A Jim.
Q Jim-----got any other name besides Jim? A I don't know.
Q You don't know; well now what is the next one's name? A Mary.
Q Where do all these children live? A Now?
Q Yes sir, now? A They live about a mile and a half above Allen.
Q Choctaw Nation? A Choctaw Nation, right close to the Choctaw and Chickasaw line.
Q How long have they lived in the Choctaw Nation? A I expect they have been here twelve hyears.
Q Twelve years? A Near about that.
Q Do you know where they come from? A Yes sir; when they come up there?
Q Yes sir. A They come from Pauls Valley.
Q Do you know how long they have lived in the Territory? A They have lived in the Territory all their lives.
Q All their lives; now did Will Smallwood have any brothers? A Yes sir.
Q How many brothers did he have? A I knowed of four.
Q Four; are they all dead, or any of them living now? A All dead.
Q All dead; how long have they been dead? A Well, they-----
Q Which was the last one to die? A William Smallwood.
Q William Smallwood; you are sure he didn't die as much as three years ago are you? A Well, my son was down to Atoka on the 18th of March and I was asking him if he found anybody from Kiamichi County where we used to live was there or heard of any deaths and he told me that William Smallwood had died just a short time before. He is the oldest boy.
Q Well, all you know about that is what your son told you about his death is it? A Yes sir.
Q When was the last time you saw William Smallwood? A I saw him in '90.
Q 1890? A Yes sir.
Q That is about twelve years ago? A Yes sir.
Q You havn't seen him since? A No sir.
Q How far did you live from where he is said to live? A Now?
Q No, in 1890; where he lived in 1890? A Why, he was living where he died and I was living down there neighbor to him years ago in '79, and I was by his house when I saw him in '90.
Q You saw him in 1890; where did he live in 1890? A He lived in Kiamichi County.
Q How far from where you lived at that time? A About ten miles.
Q Ten miles? A Where I was living when I seen him?
Q Yes? A Why, I was living up here on Canadian.
Q You never did live very close to William Smallwood did you? A I lived in ten miles of him.
Q For how long? A I lived there from about '50-----from about '55 till '79.
Q '79; Now how far did you live from Sinie Huddleston, this daughter of William Smallwood, after she married? A Well, I was living in Kiamichi County at the time when she married up by Pauls Valley.
Q She married up by Pauls Valley? A Yes sir.
Q You don't know just when she dhe marry do you? A No sir.
Q Now where did you get acquainted with all these children of hers that you named awhile ago? A Right up here where they live now.

(4).

- Q Where they live now? A Yes sir.
Q When did you see them last? A Well, I saw them quite often before I went blind; about twelve years ago when they first come up here, I used to know them, and I knowed the old lady and I wanted to see them, and I just went up there, and since that I have been visiting the family on and off ever since they lived there.

Examination by Attorney.

- Q How long did you say since you saw Mr. Smallwood; William Smallwood? A I saw him in 1890.
Q He was the father of Sinie Huddleston? A Yes sir.
Q Did you ever visit them during the time that Smallwood and his wife lived together; this Caddo Indian as you call her, was you ever at her husband's house? A No, No sir.
Q You don't know whether or not-----do you know whether or not they were ever married? A No sir.
Q You don't know? A No sir.

Re-examination by the Commission.

- Q Do you know whether they lived together as husband and wife, William Smallwood and Eliza? Did they live together as husband and wife? A It was kind of a take up.
Q Kind of a take up? A Lived together that way.
Q There was really no marriage was there? A I don't know that.
Q You don't know that; well, in this times in early days a good many of the Indians kind of took up together, man and woman that way without going to the preacher and getting married didn't they? A Yes, that's the way they was.

Re-examination by Attorney.

- Q Do you know whether or not they were recognized in the county in which they lived as husband and wife? A No sir.
Q You don't know? A Well, they was always recognized as man and wife and lived together.
Q Do you know whether or not he ever lived with any other woman after he took up with this one? A No sir.
Q He did not? A No sir.

(5).

By the Commission.

Fifteen days will be allowed the applicant from this date in which to file written brief; the case will be considered by the Commission upon the evidence and record as now made up.

-----:-----

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on the 8th day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 10 day of April, 1902.

Clara Mitchell Wood
Notary Public.

Certificate of Marriage

United States of America V. John T. Gilmore
and J. C. B. B. B.

an Elder of Christian Church
Do hereby certify that on the 6th day
of August, A.D. 1899, I did
duly and according to law as
commanded in the foregoing
Ties, solemnize the Rite and
publish the Banns of Matrimony
between the parties herein named.

Witness my hand this
6th day of August, A.D. 1899

My Certifications are recorded
in the Clerk's office of the United States
Court of Indian Territory and
for the Central District.

Book A page 34 John T. Gilmore
Elder of Christian Church
Sashmcalster.

Marriage License

To whom it may concern:
This certifies that Mr. C. W. Floyd,
a white man and a citizen of the
United States, whose age is 22 years, has
fulfilled in all respects, complied
with all the requirements of the laws
of the Choctaw Nation in regard to the
marriage of White men to Choctaw
women.

I now therefore I J. H. Varner
County Clerk of Gaines County Choctaw
Nation do hereby grant unto the said
Mr. C. W. Floyd a license authorizing
any minister of the gospel or judge of
a Court of records to unite him in matrimony
unto Miss Eliza Huddleston,
a Choctaw woman and a citizen by
blood of this Nation and whose age is 18 years.

Given under my hand and
the County Seal this the 3rd day of
August, 1877.

J. H. Varner
County Clerk of Gaines
County Choctaw Nation.

1157

Certificate of Record

This certifies that the foregoing
marriage license and marriage
certificate were this day presented or filed
in the County Clerk's office for record
and was the same day recorded by me
in the records of Gaines County.

Choctaw Nation Book B 2 Page 67

This 9th day of August 1899

J. W. Hunter
County Clerk of
Gaines Co. C. W.

CHOCTAW.

78311
INDEXED

IN RE

Application for Enrollment of

INFANT CHILD

Middleton Blend
as a citizen of

Choctaw

Nation.

Approved,

APR 19 1901

190

[Signature]
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

APR 19 1901

[Signature]
ACTING CHAIRMAN

CHOCTAW.

78311

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of one male, Huddleston Floyd, born on the 10 day of April, 1901.
(Here insert name of child)
Name of Father: Chas H Floyd, a citizen of the Choctaw Nation.
Name of Mother: Eliza Floyd, a citizen of the Choctaw Nation.
Post-office, Allen, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, Eliza Floyd, on oath state that I am 20
years of age and a citizen, by Blood, of the Choctaw Nation;
that I am the lawful wife of Chas H Floyd, who is a citizen, by
Marriage, of the Choctaw Nation, that a Male child was
(male or female)
born to me on the 10 day of April, 1901; that said child has been
named Huddleston Floyd, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 16 day of April, 1901.

John T Gilmore
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, John T Gilmore, a Physician, on oath state that I
attended on Mrs. Eliza Floyd, wife of Chas H Floyd,
on the 10 day of April, 1901; that there was born to her on
said date a Male child; that said child is now living and is said to have been
(male or female)
named Huddleston Floyd.

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 16 day of April, 1901.

John T Gilmore
NOTARY PUBLIC.

CHOCTAW.

32

INDEXED

IN RE
THE DEATH OF

Simie Huddleston

a citizen of the

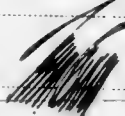
Choctaw

Nation.

Approved

APR 17 1902

190

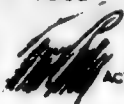


Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

APR 17 1902



ACTING CHAIRMAN.

CHOCTAW.

D 311

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Sinie Huddleston
(Here insert name of deceased.)
 a citizen of the Choctaw Nation, who formerly resided at or near
Allen, Ind. Ter., and died on the 27th day of January,
(Here insert name of postoffice.)
1902.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

Northern District.

I, Frank Huddleston, on oath state that I am 20
 years of age and a citizen, by blood, of the Choctaw Nation;
 that my post office address is Allen, Ind. Ter.; that I am
(Here insert name of post office.)
son of Sinie Huddleston,
(State relationship, as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
 who was a citizen, by blood, of the Choctaw Nation;
 and that said Sinie Huddleston died on the 27th day of
(Here insert name of deceased.)
January, 1902.
 WITNESSES TO MARK: Frank Huddleston

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 7th day of April, 1902.

Clara Mitchell Wood
 Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

Cherokee District.

I, JAMES C. STORY, on oath state that I am
 years of age, and a citizen, by blood, of the _____ Nation;
 that my post office address is Allen, Ind. Ter.;
(Here insert name of post office.)
 that I was personally acquainted with Sinie Huddleston,
(Here insert name of deceased.)
 who was a citizen, by blood, of the Choctaw Nation;
 and that said Sinie Huddleston died on the 27 day of
(Here insert name of deceased.)
January, 1902.
 WITNESSES TO MARK: JAMES C. STORY

(Must be Two
Witnesses.)

Subscribed and sworn to before me this 1st day of April, 1902.

John H. Swafford
 Notary Public.

No. 311

Samir Headmaster

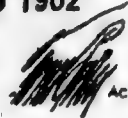
21

Chetawam

Nation

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 16 1902



ACTING CHAIRMAN

J. H. Hearn

PLAINTIFFS' ATTORNEY

DEFENDANT'S ATTORNEY

DEPARTMENT OF THE INTERIOR, COMMISSION TO THE FIVE
CIVILIZED TRIBES. CHOCTAW ENROLLING OFFICE.

IN THE MATTER OF,
the application of Sinie Huddleston,
for enrollment as a citizen by
blood of the Choctaw Nation.

BRIEF OF APPLICANT FOR
ENROLLMENT.

Now comes the applicant Frank Huddleston and his Brothers and sisters, descendants of Sinie Huddleston, and shows to the Honorable Commission the following facts and conclusions of law deduced therefrom: The proof shows that the mother of the applicants, Sinie Huddleston was the wife of James Huddleston, and was a daughter

of William Smallwood, an enrolled citizen of the Choctaw Nation. The testimony in this record discloses the fact that the ^{Grand} mother of these applicants was not married ~~marry~~ with any license from the Nation, but the testimony discloses that she lived with her husband, Wm Smallwood, ~~and~~ and that they lived together as husband and wife, openly recognizing each other as such, it was notorious in the neighborhood where they lived that they were husband and wife and so held themselves out to be for a long period of years; it more over is disclosed from the record that it was a custom among the Indians at that time to contract such marriages, that it was legal and it is clearly a self-evident and common law marriage. Therefore, we hold that being a common law marriage, the descendants of William Smallwood and his wife, who are the applicants herein are clearly entitled to enrollment. There can be no question about this. The testimony of Hilburn Harrison discloses the fact that he had long known the ancestors of these applicants, that he was a Choctaw Indian and was duly recognized as such by the tribunal authorities, that he was on the tribunal rolls, that he enjoyed all the rights and privileges accorded to citizens of the Choctaw tribe of Indians. The testimony further discloses the fact that by ~~an~~ a proclamation, Governor McCurtain, October 27th, 1881 under Sec. 6, of the Act approved October 1844; the grandmother of ~~these~~ these applicants was made a Choctaw

2.-

Indian under said law; therefore they are entitled to enrollment, both from their father and mother's side, their ancestral lineage is established without a break in the testimony showing that from both ancestors they are Ojibwa Indians and are entitled to be enrolled as members of that tribe, more over we point to the records to show that these children are duly enrolled by the tribal authorities on all the rolls of that tribe, and the Commission has no discretion now to go behind these rolls and decitizenize these applicants; these rolls upon which all the names of these applicants appear are conclusive in this case. No allegation has ever been made of fault or mistake showing that these applicants are not legally and rightfully on these rolls, the same record shows that they are on the rolls regularly, not a word, not a line of testimony from the record can be pointed out to show that these applicants are not entitled to enrollment. There is no conflict in the testimony. We might confidently leave the rights of these applicants alone upon the records as made in this case and rest our right to enrollment upon that record. We deem it entirely unnecessary to argue this case further a simple presentation of the record clearly and with a complete demonstration shows that these applicants are entitled to enrollment; and we respectfully submit this case.

J. Heenan
Atty for Applicants

7-D-311

L 52

J.H.A.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Frank Huddleston, Sophia Huddleston, Lucy J. Huddleston, Walter J. Huddleston, May Huddleston, Eliza Floyd and Huddleston Floyd as citizens by blood of the Choctaw Nation.

- D E C I S I O N -

It appears from the census card and other records in this case that Sinie Huddleston appeared before the Commission at Calvin, Indian Territory, August 9, 1899, and made personal application for the enrollment of herself and her six minor children, Frank Huddleston, Sophia Huddleston, Lucy J. Huddleston, Walter J. Huddleston, May Huddleston and Eliza Floyd, as citizens by blood of the Choctaw Nation. Thereafter, on April 19, 1901, written application was made to the Commission for the enrollment of Huddleston Floyd, infant child of Eliza Floyd and Charles W. Floyd, a non-citizen, proper proof of the birth of said child on April 10, 1901, being supplied this Commission on the date of said application.

Further proceedings were had in the matter of these applications at Muskogee, Indian Territory, April 8, 1902. Proof of the death of Sinie Huddleston, the principal applicant herein, on January 27, 1902, was filed with the Commission April 17, 1902.

It further appears from the evidence in this case and the records in the possession of the Commission that Sinie Huddleston, now deceased, was the daughter of William Smallwood (deceased), a duly recognized and enrolled citizen by blood of the Choctaw Nation, and Eliza (deceased), a Gaddy Indian, and that the minor applicants herein claim their right to enrollment by reason of their descent from Sinie Huddleston, the principal applicant in this case.

On an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, the names of Frank Huddleston, Sophia Huddleston, Lucy J. Huddleston (as Louisa Huddleston), Walter J. Huddleston, May Huddleston and Eliza Floyd (as Eliza Huddleston) are identified on the 1893 Choctaw leased district payment roll, Atoka County, page 48, Nos. 513, 515, 516, 517, 518 and 514, respectively. The names of Frank Huddleston (as Frank Hudson), Sophia Huddleston (as Sophia Hudson), Lucy J. Huddleston (as Lucy Hudson), Walter J. Huddleston (as Walter J. Hudson), May Huddleston (as May Hudson) and Eliza Floyd (as Eliza Hudson) are also identified on the 1896 Choctaw census roll as citizens by blood of the Choctaw Nation, Nos. 6072, 6074, 6075, 6076, 6077 and 6073, respectively. The minor applicant, Huddleston Floyd, having been born subsequent to the preparation of the last tribal roll of the Choctaw Nation, is identified by proper affidavits of birth filed with the Commission and made a part of the record in this case.

It further appears from the evidence herein that all of the applicants who were living on June 28, 1898, were residents in

Frank Huddleston, et al.-2

good faith of Indian Territory at that time and had so resided in said Territory all their lives prior thereto. The minor applicant, Huddleston Floyd, was born in Indian Territory subsequent to June 28, 1898, and has always lived in said Territory.

It is, therefore, the opinion of this Commission that Frank Huddleston, Sophia Huddleston, Lucy J. Huddleston, Walter J. Huddleston, May Huddleston, Eliza Floyd and Huddleston Floyd should be enrolled as citizens by blood of the Cheateau Nation under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

It is further the opinion of this Commission that the application for the enrollment of Sinie Huddleston, who died prior to September 25, 1902, should be dismissed, under the provisions of section twenty-eight of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory.

JUL 30 1903


COMMISSIONER.

Chahta, Tamaha, C. N., October 29th, 1881.

BE IT KNOWN TO ALL TO WHOM IT MAY CONCERNED:

I do hereby certify that Mrs. Siney Huddleston, who are to well known being one of these tribes to remain in this Nation unmolested by the Operation of the Act, An Act approved October 1844.

Therefore, she has a perfect right to remain in the Choctaw Nation, and entitled to all the rights, privileges and immunities, as any other citizens of the Choctaw Nation.

In witness whereof I have hereunto set my hand and caused the seal of the Choctaw Nation to be affixed. Done at the Executive office, this October 29th, 1881.

J. F. McCurtain,
Principal Chief Choctaw Nation.

Attest.
Thompson McKinney.

Recorded in the Office of Pontotoc County, Chickasaw Nation,
January 19th, 1882.

John Atkins,
Co. and Dist. Clerk.
P. C. C. N.

Calvin, I.T., August 9th, 1899.

The above is a true copy of the original document in the hands of Mrs. Siney Huddleston.


Commissioner.

An Act providing for the removal of some Indians in the Nation.

Sec. 6: Be it enacted by the General Council of the Choctaw Nation assembled: That all the intruding tribes of Indians that are now residing within the limits of the Choctaw Nation, shall be required to leave the Nation as soon as practicable. And that the Chiefs of the Nation be required to inform Major William Armstrong, United States Agent, of the existence of this Act, and request him to have them removed without the limits of the Choctaw Nation; Provided, however, the Caddoes, who at a previous session of the General Council, having obtained permit to live in the Nation, shall be exempt from the operation of this Act; and also the following named families of Indians be allowed to remain unmolested by the operation of this Act, Viz: Charley, Mike, McCoy, Cherokees; Little Boy, and Frank's family, and Strongman, Delawares; Capt. Beaver, Panther, and Oats, Shawnees, and their families; and one family of Quapaws, living above the mouth of Washita on Red Riger.

Approved October, 1844.

A true and correct copy of the Act as found on page eighty eight, Section six, of the Laws of the Choctaw Nation, 1869.

A. S. McKinnon
Commissioner.

Choctaw D-311

Muskogee, Indian Territory, February 22, 1902

Sinie Huddleston,

Allen, Indian Territory.

You are hereby notified that the application for enrollment of yourself, and your children, Frank Huddleston, Sophia Huddleston, Lucy J. Huddleston, Walter J. Huddleston, May Huddleston, Eliza Floyd and Huddleston Floyd, as citizens of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 8th day of April, 1902.

On said date, you may if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the Representatives of the Choctaw Nation will also at the same time be afforded an opportunity to introduce testimony affecting your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

Register

Commissioner in Charge.

Choctaw-B511

COPY.

Muskogee, Indian Territory, July 30, 1903.

Frank Huddleston,

Ada, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission, rendered July 30, 1903, granting the application of Frank Huddleston, Sophia Huddleston, Lucy J. Huddleston, Walter J. Huddleston, May Huddleston, Eliza Floyd and Huddleston Floyd for enrollment as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time, no protest has been filed, the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

Registered.

Ghoo-taw-D311

COPY.

Muskogee, Indian Territory, July 30, 1903.

S. Heard,

Attorney at Law,

Tishomingo, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission, rendered July 30, 1903, granting the application of Frank Huddleston, Sophia Huddleston, Lucy J. Huddleston, Walter J. Huddleston, May Huddleston, Eliza Floyd and Huddleston Floyd for enrollment as citizens by blood of the Ghoo-taw Nation.

The attorneys for the Ghoo-taw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Ghoo-taw Nation. If at the expiration of that time, no protest has been filed, the names of the applicants will be placed upon the final rolls of the citizens of the Ghoo-taw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

I. B. Needles.

Commissioner in Charge.

Registered.

Enc. Mh 99-30.

Choctaw-D311.

COPY.

Muskogee, Indian Territory, July 30, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered July 30, 1903, granting the application of Frank Huddleston, Sophia Huddleston, Lucy J. Huddleston, Walter J. Huddleston, May Huddleston, Eliza Floyd and Huddleston Floyd for enrollment as citizens by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time, no protest has been filed, the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

T. B. Needles.

Commissioner in Charge.

Registered.

Enc. HM 6-30

Muscogee, Indian Territory,

August 18th, 1900.

Susie Huddleston,

Allen, Indian Territory,

Dear Madam:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cernish, has filed with this Commission a notice of protest to your enrollment and the enrollment of Frank, Sophia, Lucy J., Walter J., Susie Huddleston and Elise Floyd as citizens of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-P-311.

Choctaw D-311

Muskogee, Indian Territory, February 28, 1908.

Sinie Huddleston,

Allen, Indian Territory.

You are hereby notified that the application for enrollment of yourself, and your children, Frank Huddleston, Sophia Huddleston, Lucy J. Huddleston, Walter J. Huddleston, May Huddleston, Eliza Floyd and Huddleston Floyd, as citizens of the Choctaw Nation will be taken up by the Commission to the Five Civilized Tribes for final consideration at its office in Muskogee, Indian Territory, on the 8th day of April, 1908.

On said date, you may, if you desire, appear before the Commission in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting said application.

You are further notified that the Representatives of the Choctaw Nation will also at the same time be afforded an opportunity to introduce testimony affecting your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

The Commission to the Five Civilized Tribes.

(SIGNED)

T. B. Needles.

As soon as a decision has been reached, you will be duly notified of the action of the Commission.

Respectfully,

Choctaw D 311

Muskogee, Indian Territory, April 23, 1903.
Chairman.

C. W. Floyd,

Ada, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 19, asking if the enrollment of Siney Huddleston and family has been approved.

In reply to your letter you are advised that it appears from our records that Siney Huddleston and her children, Frank, Sophia, Lucy J., Walter J., May, Huddleston, and Kliza Floyd, and her grandchild, Huddleston Floyd have been listed among the doubtful applicants to enrollment as citizens by blood of the Choctaw Nation, but their final right to such enrollment has not yet been determined. As soon as a decision has been reached in this case the applicants will be duly notified of the action of the Commission.

Respectfully,

Chairman.

J.P. Jr.

SPECIAL

DEPARTMENT OF THE INTERIOR,

D.C. 12329-1907.
I.T.D. 5496-1907.

WASHINGTON.

FHE.

February 28, 1907.

L RS.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

January 3, 1907, you resubmitted the record in the matter of the application for the enrolment of May Huddleston as a citizen by intermarriage of the Choctaw Nation, together with your decision of December 31, 1906, granting said application.

Reporting February 25, 1907 (Land 1699-07), the Indian Office concurs in your decision. A copy of its letter is inclosed.

Your decision is hereby affirmed. The papers in the case and a copy hereof have been sent to the Indian Office.

Respectfully,

Jesse H. Wilson.

Assistant Secretary.

1 inc. and 2 for Ind Of.

A FHE
3-1-07.

Refer in reply to
the following:

Copy

Land
1699-1907.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 25, 1907.

The Honorable,
The Secretary of the Interior.

Sir:

On January 19, 1906, the Commission to the Five Civilized Tribes rendered a decision declining to receive the application for the enrollment of May Huddleston as a citizen by intermarriage of the Chectaw Nation, which action was approved by the Department on April 5, 1906 (I.T.D. 1150-1906).

The Department on October 15, 1906 (I.T.D. 2154-1906) remanded the record in this case to the Commissioner to the Five Civilized Tribes for readjudication under Section one of the Act of Congress approved April 26, 1906 (34 Stat. L., 137).

Pursuant to the instructions of the Department, additional proceedings were had in this case on November 12, 1906. There is enclosed herewith the record in this case, together with the decision of the Commissioner to the Five Civilized Tribes dated December 31, 1906, granting the application of May Huddleston for enrollment as a citizen by intermarriage of the Chectaw Nation.

The record shows that application was made to the Commission to the Five Civilized Tribes for the enrollment

of the applicant herein as a citizen by intermarriage of the Choctaw Nation within the time limited by law.

The record further shows that on September 24, 1902, the applicant was lawfully married to Frank Huddleston, a recognized and enrolled citizen by blood of the Choctaw Nation; that at the time of the marriage both persons herein mentioned were residents in good faith of the Choctaw Nation, and that they lived together continuously as husband and wife in the Choctaw Nation from the date of their marriage up to and including September 25, 1902.

Therefore, by reason of the provisions of the Acts of Congress approved June 28, 1898 (30 Stat. L., 495) and July 1, 1902 (32 Stat. L., 641), the Office concurs in the decision of Commissioner Bixby enrolling May Huddleston as a citizen by intermarriage of the Choctaw Nation.

Very respectfully,

C. F. LARRABEE
Acting Commissioner.

MM-Ph.

Encl. 3611.

COPY.

Muskogee, Indian Territory, July 30, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered July 30, 1903, granting the application of Frank Huddleston, Sophia Huddleston, Lucy J. Huddleston, Walter J. Huddleston, May Huddleston, Eliza Floyd and Huddleston Floyd for enrollment as citizens by blood of the Choctaw Nation.

You are hereby advised that you will be allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time, no protest has been filed, the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

Registered.

Rev. H. S. 35

COPY.

Choctaw-D311

Muskogee, Indian Territory, July 30, 1903.

S. Heard,

Attorney at Law,

Tishomingo, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission, rendered July 30, 1903, granting the application of Frank Huddleston, Sophia Huddleston, Lucy J. Huddleston, Walter J. Huddleston, May Huddleston, Eliza Floyd and Huddleston Floyd for enrollment as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time, no protest has been filed, the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

Enc. Kh 99-30.

Choctaw-D311

COPY.

Muskogee, Indian Territory, July 30, 1903.

Frank Huddleston,

Ada, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission, rendered July 30, 1903, granting the application of Frank Huddleston, Sophia Huddleston, Lucy J. Huddleston, Walter J. Huddleston, May Huddleston, Eliza Floyd and Huddleston Floyd for enrollment as citizens by blood of the Choctaw Nation.

The attorneys for the Choctaw and Chickasaw Nations have been furnished a copy of this decision and have been allowed fifteen days from this date within which to file protest against the action of the Commission in enrolling the applicants herein as citizens of the Choctaw Nation. If at the expiration of that time, no protest has been filed, the names of the applicants will be placed upon the final rolls of the citizens of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED

T. B. Needlee.

Commissioner in Charge.

Registered.

7-5685

Muskogee, Indian Territory, September 16, 1903.

Eliza Floyd,

Ada, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 11th instant, requesting to be advised whether or not Frank, Sophia, Lucy, James and May Huddleston and Eliza Floyd and her son, Huddleston Floyd, have been approved by the Secretary of the Interior. If the above names have been approved you desire to be furnished with filing numbers for yourself and son.

You are informed it appears from our records that the names of Frank, Sophia, Lucy J., Walter J. and May Huddleston and Eliza Floyd and Huddleston Floyd have been enrolled by this Commission as citizens by blood of the Cherokee Nation and their names placed upon a schedule of citizens by blood of said Nation now being prepared to be forwarded to the Secretary of the Interior.

Respectfully,

Chairman.

7-5685

Muskogee, Indian Territory, October 2, 1903.

Frank Huddleston,
Allen, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of May Huddleston and W. C. Threlkeld relative to the birth of Frank Huddleston, Jr. August 9, 1903, which it is presumed have been forwarded to this office as an application for enrollment of said child as a citizen by blood of the Choctaw Nation.

You are informed that under the provisions of the Act of Congress, approved July 1, 1902 (32 Stats., 641), the Commission is now without authority to receive or consider the original application of any person whomsoever as a citizen of the Choctaw or Chickasaw Nation.

Respectfully,

Chairman.

7-D-457

Muskogee, Indian Territory, October 24, 1903.

C. W. Floyd,
Ada, Indian Territory.

Dear Sir:

Replying to your letter of the 20th inst., in which you request to be advised what disposition has been made of your application for enrollment as an intermarried citizen of the Choctaw Nation, you are informed that no decision has yet been rendered relative to your right to enrollment as such. As soon as a decision is reached in your case you will be duly notified of the action taken therein by the Commission.

Respectfully,

Commissioner in Charge.

Choctaw-D-457.

Waskogee, Indian Territory, July 5, 1904.

C. W. Floyd,

Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 29th,
in which you ask if you have been approved.

In reply to your letter, you are informed that the Commission has not yet passed upon your application for enrollment as an intermarried citizen of the Choctaw Nation; but will as early as practicable take up the same for consideration and determination; as soon as a decision is reached in your case, you will be notified of the action taken therein.

Respectfully,

Commissioner in Charge.

7-24366

SECRETARY'S OFFICE.
DEPARTMENT OF THE INTERIOR.

G.R.

Washington, D. C.

LLB

I.T.D. 2154-1906.

February 10, 1906.

LBS

D. C. 5966-1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Referring to departmental letter of April 5, 1905 (I.T.D. 1150), affirming the decision of the Commission to the Five Civilized Tribes of January 19, 1905, denying the application of May Huddleston for her enrollment as a citizen by inter-marriage of the Choctaw Nation, you are advised that a motion for review of said departmental decision was filed with the Department on February 7, 1906. You are requested to take no further action therein until said motion is disposed of.

Respectfully,

THOS. RYAN.

First Assistant Secretary

Through the Commissioner
of Indian Affairs.

7-5685

Muskogee, Indian Territory, June 4, 1906.

J. B. Roberson,

Allen, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the marriage license and certificate between yourself and Miss Lucy Huddleston which you offer in the matter of the application for the enrollment of your child Pauline Roberson as a new born citizen of the Choctaw Nation and the same have been filed with the record in this case.

Respectfully,

Commissioner.

I.T.D.1150-1905
2154-1906

DEPARTMENT OF THE INTERIOR,
WASHINGTON. October 15, 1906.

GR
FHE

JP

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In view of the provisions of section 1 of the act of congress approved April 26, 1906 (34 Stat., 137), and in accordance with the approved opinion of the Assistant Attorney-General for this Department, dated August 10, 1906, in the case of Elsie J. Oakes (I.T.D.14010), and Birdie Rosenthal (14012), a motion for reopening and reconsideration of the application made December 23, 1902, by May Huddleston, for her enrollment as an intermarried citizen of the Choctaw Nation, is hereby granted. Departmental action of April 5, 1905 (I.T.D.1150), affirming the decision of the Commission to the Five Civilized Tribes of January 19, 1905, declining to receive said application on the ground that it had no authority to receive an application made December 23, 1902, for the reason it did not appear therefrom that applicant was intermarried on or before the date of the passage of the act of July 1, 1902, as required by section 34 thereof, is hereby set aside.

Said application having been made prior to December 1, 1905, the record is remanded and returned to you for rehearing and readjudication of the application under the above act. You will so advise Messrs. Klanton and Andrews, of Pauls Valley, Indian Territory, attorneys for moving party.

Respectfully,

Thos Ryan

Through the Commissioner
of Indian Affairs.

Acting Secretary

1 inclosure.

I.T.D.1150-1905
2154-1906

DEPARTMENT OF THE INTERIOR,
WASHINGTON, October 18, 1906.

JP

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In view of the provisions of section 1 of the act of congress approved April 26, 1906 (34 Stat., 137), and in accordance with the approved opinion of the Assistant Attorney-General for this Department, dated August 10, 1906, in the case of Elsie J. Oakes (I.T.D.14010), and Birdie Rosenthal (14012), a motion for reopening and reconsideration of the application made December 23, 1902, by May Huddleston, for her enrollment as an intermarried citizen of the Choctaw Nation, is hereby granted. Departmental action of April 2, 1905 (I.T.D.1150), affirming the decision of the Commission to the Five Civilized Tribes of January 19, 1905, declining to receive said application on the ground that it had no authority to receive an application made December 23, 1902, for the reason it did not appear therefrom that applicant was intermarried on or before the date of the passage of the act of July 1, 1902, as required by section 34 thereof, is hereby set aside.

Said application having been made prior to December 1, 1905, the record is remanded and returned to you for rehearing and readjudication of the application under the above act. You will so advise Messrs. Klanton and Andrews, of Pauls Valley, Indian Territory, attorneys for moving party.

Respectfully,

Thos Ryan

Acting Secretary

Through the Commissioner
of Indian Affairs,

1 inclosure.

7-D-966

Muskogee, Indian Territory, November 9, 1906.

Blanton & Andrews,
Attorneys at Law,
Pauls Valley, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of October 30, 1906, asking if it will be necessary for May Huddleston and witnesses to appear at this office in the matter of the application of May Huddleston for enrollment as an intermarried citizen of the Choctaw Nation; you also ask if the marriage license is with the records of this office.

In reply to your letter you are advised that it will be necessary that May Huddleston appear at this office in person for the purpose of testifying relative to her right to enrollment as a citizen of the Choctaw Nation and she should also bring with her the evidence of her marriage as it does not appear that the same was filed with the records of this office.

Respectfully,

Commissioner.

Muskogee, Indian Territory, January 3, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

January 19, 1906, the Commission to the Five Civilized Tribes rendered a decision declining to receive the application for the enrollment of May Huddleston as a citizen by intermarriage of the Choctaw Nation and on April 5, 1906 (I.T.D. 1180-1906) this action was approved by the Secretary of the Interior.

October 18, 1906 (I.T.D. 2154-1906) the record in this case was remanded by the Department for readjudication under Section One of the Act of Congress approved April 26, 1906

November 12, 1906, additional proceedings were had in this case. December 21, 1906, a decision was rendered holding that application was made for the enrollment of May Huddleston as a citizen by intermarriage of the Choctaw Nation within the time provided by the Act of Congress approved April 26, 1906, and on December 31, 1906, a decision was rendered granting her application for enrollment as such citizen.

The applicant, her attorneys of record and the attorneys for the Choctaw and Chickasaw Nations were notified of said action and were advised that the attorneys for the nations would be allowed

Secretary 2.

fifteen days from the date of notice within which to file protest against the enrollment of May Huddleston as a citizen by intermarriage of the Choctaw Nation, and if no protest has been filed at the expiration of said time, the name of the applicant will be placed upon the next schedule of citizens by intermarriage of said nation to be prepared for forwarding the Secretary of the Interior.

Respectfully,

Tomo Binby

Through the
Commissioner of Indian Affairs.

Commissioner.

Choctaw D-966.

J. F. G.

DEPARTMENT OF THE INTERIOR,

D.C. 12129-1907.
L.T.D. 5496-1907.

WASHINGTON.

MR.

February 26, 1907.

L. R.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

January 3, 1907, you transmitted the record in the matter of the application for the enrolment of May Huddleston as a citizen by intermarriage of the Choctaw Nation, together with your decision of December 31, 1906, granting said application.

Reporting February 25, 1907 (Land 1699-07), the Indian Office concurs in your decision. A copy of its letter is inclosed.

Your decision is hereby affirmed. The papers in the case and a copy hereof have been sent to the Indian Office.

Respectfully,

JOHN E. WILSON.

Assistant Secretary.

1 inc. and 2 for Ind Of.

A. F. G.
J. F. G.

Refer in reply to
the following:

Copy

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

Land
1699-1907.

February 25, 1907.

The Honorable,
The Secretary of the Interior.

Sir:

On January 19, 1905, the Commission to the Five Civilized Tribes rendered a decision declining to receive the application for the enrollment of May Huddleston as a citizen by intermarriage of the Choctaw Nation, which action was approved by the Department on April 5, 1905 (I.T.D. 1150-1905).

The Department on October 15, 1906 (I.T.D. 2154-1906) remanded the record in this case to the Commissioner to the Five Civilized Tribes for readjudication under Section one of the Act of Congress approved April 26, 1906 (34 Stat. L., 137).

Pursuant to the instructions of the Department, additional proceedings were had in this case on November 12, 1906. There is enclosed herewith the record in this case, together with the decision of the Commissioner to the Five Civilized Tribes dated December 31, 1906, granting the application of May Huddleston for enrollment as a citizen by intermarriage of the Choctaw Nation.

The record shows that application was made to the Commission to the Five Civilized Tribes for the enrollment

of the applicant herein as a citizen by intermarriage of the Cheetaw Nation within the time limited by law.

The record further shows that on September 24, 1902, the applicant was lawfully married to Frank Huddleston, a recognized and enrolled citizen by blood of the Cheetaw Nation; that at the time of the marriage both persons herein mentioned were residents in good faith of the Cheetaw Nation, and that they lived together continuously as husband and wife in the Cheetaw Nation from the date of their marriage up to and including September 25, 1902.

Therefore, by reason of the provisions of the Acts of Congress approved June 28, 1898 (30 stat. L., 495) and July 1, 1902 (32 Stat. L., 641), the Office concurs in the decision of Commissioner Bixby enrolling May Huddleston as a citizen by intermarriage of the Cheetaw Nation.

Very respectfully,

G. F. LARRABEE

Acting Commissioner.

KRM-PH.

3919-1907
7-5685

Muskogee, Indian Territory, August 3, 1907.

Frank Huddleston,

Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 31, 1907, in which you ask if the name of your wife, May Huddleston, still remains on the rolls of intermarried citizens of the Choctaw Nation.

In reply to your letter you are advised that the name of your wife, May Huddleston, remains upon the roll of citizens by intermarriage of the Choctaw Nation.

Respectfully,

Commissioner.

Muskogee, Indian Territory, March 20, 1900.

Mr. G. W. Floyd,

Allen, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of March 20, in which you desire to be informed whether Mrs. Sinie Huddleston has ever been put on the rolls. You are informed that the records of this Commission show that Sinie Huddleston of Allen, Indian Territory together with her six children, duly appeared before this Commission as applicants for enrollment in the Muscogee Nation August 9, 1899, and were then duly listed for enrollment by this Commission. The full status of these parties to rights as Cherokee Indians has not as yet been determined by this Commission, nor will it be until the Commission finally passes upon the cases of all those listed for enrollment in the Muscogee Nation. Pending such final action of this Commission, however, these parties will be duly recognized as such for all purposes to enrollment.

Yours truly,

Asst. Commr.

In reply to your letter,
March 20, 1900, Enclosure D. H. C.

Muscogee, Indian Territory,

August 18th, 1900.

Charles W. Floyd,

Allen, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs McKennon, Mansfield, McMurray, & Cornish, has filed with this Commission a notice of protest to your enrollment as a citizen of the Choctaw Nation.

The Commission, commencing December 3rd, 1900, will hold a session at Atoka, Indian Territory. At that time both you and the Choctaw Nation will be permitted to offer additional testimony and written arguments in this case, and this hearing will be final.

Yours truly,

Acting Chairman.

7-D-457.

Muskogee, Indian Territory, September 7, 1900

Sam Huddleston,

Allen, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of the 3rd instant, in which you desire to be informed on what grounds the Choctaw Nation objects to your enrollment.

You are informed that the Commission cannot at this time go into the merits of the cases in which the Choctaw Nation has filed a protest to the enrollment of certain parties whose rights not been fully determined by the Commission.

The Choctaw Nation through its attorneys, has filed with the Commission a general notice of protest to the enrollment of a large number of applicants and the Commission in justice to these applicants whose enrollment has been protested, has notified them of each protest and has required of the attorneys for the Nation that they serve prior to October 31st, 1900, on each protested applicant, a notice stating therein the grounds upon which they object to their enrollment.

At the session of the Commission at Atoka, beginning December 3rd, 1900, there will be an ample opportunity afforded both the applicants and the Nation to introduce any additional evidence that may be necessary to give the Commission sufficient record upon which to finally pass upon these cases.

Yours truly,

7-5-311

Acting Chairman.

Muskogee, Indian Territory, September 18, 1900.

Charles W. Floyd,

Allen, Indian Territory.

Dear Sir:

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. However the notice of protest has been withdrawn in your case by the attorneys for the Nation.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted in behalf of the Choctaw Nation at any time prior to February 1st, 1901, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

Waskage, Indian Territory, November 10, 1900.

Simie Huddleston,

Allen, Indian Territory

Dear Madam:

Acting Chairman.

7-D-311 The Commission in receipt of your letter of November 7th relative to the protest filed against your final enrollment as a citizen of the Cheetaw Nation by the legal representatives of the Cheetaw Nation.

On August 18th, 1900, the Cheetaw Nation, through its representatives filed with this Commission a protest as to your enrollment as a citizen of the Cheetaw Nation.

After the session of the Commission at Atoka, Indian Territory, which was for the purpose of hearing additional testimony in these protested cases and of which you were duly informed, the Commission will accept written argument on questions of law on behalf of the Cheetaw Nation prior to November 1st, 1901, and on behalf of the applicant prior to March 1st, 1902.

Very truly,

Acting Chairman

7-D-311

Muskogee, Indian Territory, March 20, 1901.

C. W. Floyd,

Allen, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 15th instant in which you desire to be furnished with a blank application for the enrollment of an infant child and in which you desire to be informed if your case has been disposed of.

In accordance with your request there is enclosed you herewith a blank of the description desired. In having the same executed be careful to see that all blanks are properly filled, all names written in full and in the event either the mother or attending physician or nurse making affidavit to the birth of the child are unable to write and their signatures are by mark, that such signatures are attested by two disinterested parties as witnesses thereto.

The Notary Public taking the acknowledgments of the mother and attending physician or nurse must affix his notarial seal and seal to each separate affidavit.

Relative to your application for enrollment as an intermarried citizen of the Choctaw Nation, you are informed that the records of the Commission show that Charles W. Floyd, 22 years of age, of Allen, Indian Territory, was on September 12th, 1899, listed as a potential claimant for enrollment in the Choctaw Nation.

C W 2

The Commission has not up to this time reached a decision in the matter of your application, but when such decision is rendered, a copy of the same stating fully therein the reasons for any action that may be taken by the Commission, will be mailed to you to your present post-office address.

Yours truly,

Acting Chairman.

7-0-311

EC

Muskogee, Indian Territory, April 10, 1901.

Mr. Charles W. Floyd,
Allen, Indian Territory,

Dear Sir:-

The Commission is in receipt of the application for enrollment, as a citizen of the Choctaw Nation, of Huddleston Floyd, the infant son of Charles W. and Ellen Floyd, born April 10, 1901, and the same, being in proper form, has been duly filed with the records of the Commission and the child listed for enrollment as a citizen of the Choctaw Nation.

Yours truly,

Acting Chairman.

J-D-511

7 D 311

Wamego, Indian Territory, April 18, 1908.

Frank Radlston,

Allen, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your affidavit
and that of James O. Story relative to the death of your
mother Elsie Radlston, on January 27, 1908 and the same
being in proper form have been duly filed with the records
of the Commission.

Yours truly,

T. J. Quinn

Choctaw D 311

Muskogee, Indian Territory, January 22, 1903.

Frank Huddleston,

Allen, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of January 12, asking if a person can file on land in the Chickasaw Nation for himself or for his brother and sisters as administrator, at the land office at Atoka, Indian Territory.

In reply to your letter you are advised that the land of the Choctaw Nation will be allotted from the land office in the Choctaw Nation, and the land of the Chickasaw Nation from the land office in that nation.

Relative to that part of your letter asking whether a person can file for his brother and sisters as administrator, your attention is invited to the following provision of the act of Congress of July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations on September 25, 1902:

Allotments may be selected and homesteads designated for minors by the father or mother, if members, or by a guardian or curator or the administrator having charge of their estate, in the order named. . . .

The matter of the classification of your land has been made the subject of another communication.

Respectfully,

Commissioner in Charge.

Choctaw D 311.

Muskogee, Indian Territory, March 12, 1903

Frank Huddleston,

Ada, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 7, asking if the notice for all intermarried citizens to appear before the Commission at Atoka, March 10 to 13 apply to those who married since July 1, 1902, and prior to September 25, 1902.

In reply to your letter you are advised that those intermarried citizens who have made application to this Commission for enrollment prior to September 25, 1902, and have not already appeared before the Commission to testify relative to their status as such intermarried citizens on September 25, 1902, should appear before the Commission at its appointment at Atoka, Indian Territory, March 10 to 13, 1903, inclusive.

Respectfully,

Chairman.

7-D-311

Muskogee, Indian Territory, August 21, 1903.

Frank Huddleston,

Allen, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 15th instant requesting that you be furnished with a blank application for the enrollment of an infant child.

A blank of such description is enclosed you herewith.

Respectfully,

Commissioner in Charge.

B. C.

SECRETARY'S OFFICE.
DEPARTMENT OF THE INTERIOR.

Washington, D. C.

G.R.

LLB

I.T.D. 2154-1906.
LRS

February 10, 1906.

D. C. 5966-1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Referring to departmental letter of April 5, 1905 (I.T.D. 1150), affirming the decision of the Commission to the Five Civilized Tribes of January 19, 1905, denying the application of May Huddleston for her enrollment as a citizen by inter-marriage of the Choctaw Nation, you are advised that a motion for review of said departmental decision was filed with the Department on February 7, 1906. You are requested to take no further action therein until said motion is disposed of.

Respectfully,

Through the Commissioner
of Indian Affairs.

THOS. RYAN.
First Assistant Secretary

MEMORANDA.

ne ✓
 22

(Date) Sept 7 1899
 Name Charles M. Flaye
 Choctaw? yes County Year No.
 Chickasaw? County Year Page
 Citizen by blood? Mother's citizenship us
 Intermarried citizen? yes
 Married under what law? Ohio
 License filed this day. yes

Wife's name,
 Choctaw? County Year No.
 Chickasaw? County Year Page
 Citizen by blood? Mother's citizenship
 Intermarried citizen?
 Married under what law?
 License filed this day

Names of children:

[illegible]

*See enrollment of Eliza Flays, his wife
also " " " " " Sin a Huddleston*

P-457.

MEMORANDA.

(Date) August 9 1899.

Name _____
 Choctaw? _____ County _____ Year _____ No. _____
 Chickasaw? _____ County _____ Year _____ Page _____
 Citizen by blood? _____ Mother's citizenship _____
 Intermarried citizen? _____
 Married under what law? _____

License filed this day _____
 Wife's name, Sinie Huddleston
 Choctaw? _____ County Atoka Year 96 No. 6071
 Chickasaw? _____ County _____ Year _____ Page 148
 Citizen by blood? _____ Mother's citizenship Caddo
 Intermarried citizen? _____
 Married under what law? _____

License filed this day _____
 Names of children:
Frank Huddleston County Atoka Year 96 Page 148 No. 6072
Cliza Floyd County " Year 4 Page 11 No. 6073
Sophia Huddleston County " Year " Page 11 No. 6074
Lucy J. County " Year " Page 11 No. 6075
Walter J. County " Year " Page 11 No. 6076
May County " Year " Page 11 No. 6077
 _____ County _____ Year _____ Page _____ No. _____
 _____ County _____ Year _____ Page _____ No. _____
 _____ County _____ Year _____ Page _____ No. _____
 _____ County _____ Year _____ Page _____ No. _____

On roll Sinie Hudson
Frank
Now wife of Charles Floyd, white man
Cliza Hudson
Cornell Sophia Hudson
Lucy
Walter J.
May
over

D 311

his father was a ...
cannot be ascertained whether the
legal marriage between them, as
marriages were not then generally
recorded. were supposed to be legal. The
as many other Choctaw who lived together
had families were recognized as husband
and wife. See copy of permit issued
by J. H. McCurtain, Prin. Chief, dated
Oct 29 - 1881. - Also see Act of Congress
approved Oct 18 44, relative to the
pecking in Choctaw Nation.

END
OF
ROLL